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HOUSE BILL NO. 1251
with Senate Amendments

Fifty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1251

Introduced by

Representatives Delmore, Hawken, Kretschmar, Onstad

Senators Traynor, Trenbeath

1   A BILL for an Act to amend and reenact section 12.1-06.1-08 of the North Dakota Century

2   Code, relating to computer crimes; and to provide a penalty.

3   **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4   **SECTION 1. AMENDMENT.** Section 12.1-06.1-08 of the North Dakota Century Code

5   is amended and reenacted as follows:

6   **12.1-06.1-08. Computer fraud - Computer crime - Classification - Penalty.**

7   1.   A person commits computer fraud by gaining or attempting to gain access to,

8   altering, damaging, modifying, copying, disclosing, taking possession of, or

9   destroying any computer, computer system, computer network, or any part of ~~such~~

10   the computer, system, or network, without authorization, and with the intent to

11   devise or execute any scheme or artifice to defraud, deceive, prevent the

12   authorized use of, or control property or services by means of false or fraudulent

13   pretenses, representations, or promises. A person who commits computer fraud is

14   guilty of a class C felony.

15   2.   A person commits computer crime by intentionally and either in excess of

16   authorization given or without authorization gaining or attempting to gain access to,

17   altering, damaging, modifying, copying, disclosing, taking possession of,

18   introducing a computer contaminant into, destroying, or preventing the authorized

19   use of any computer, computer system, or computer network, or any computer

20   software, program, or data contained in ~~such~~ the computer, computer system, or

21   computer network. A person who commits computer crime is guilty of a class A

22   misdemeanor.

23   3.   In addition to any other remedy available, the owner or lessee of a computer,

24   computer system, computer network, or any part of the computer, computer

1   system, or computer network may bring a civil action for damages, restitution, and

2   attorney's fees for damages incurred as a result of the violation of this section.