

CO Electronic Crime Statutes

<http://198.187.128.12/colorado/lpext.dll?f=templates&fn=fs-main.htm&2.0>

18-5.5-101. Definitions.

As used in this article, unless the context otherwise requires:

(1) "Authorization" means the express consent of a person which may include an employee's job description to use said person's computer, computer network, computer program, computer software, computer system, property, or services as those terms are defined in this section.

(2) "Computer" means an electronic, magnetic, optical, electromagnetic, or other data processing device which performs logical, arithmetic, memory, or storage functions by the manipulations of electronic, magnetic, radio wave, or light wave impulses, and includes all input, output, processing, storage, software, or communication facilities which are connected or related to or operating in conjunction with such a device.

(3) "Computer network" means the interconnection of communication lines (including microwave or other means of electronic communication) with a computer through remote terminals, or a complex consisting of two or more interconnected computers.

(4) "Computer program" means a series of instructions or statements, in a form acceptable to a computer, which permits the functioning of a computer system in a manner designed to provide appropriate products from such computer system.

(5) "Computer software" means computer programs, procedures, and associated documentation concerned with the operation of a computer system.

(6) "Computer system" means a set of related, connected or unconnected, computer equipment, devices, and software.

(6.3) "Damage" includes, but is not limited to, any impairment to the integrity of availability of information, data, computer program, computer software, or services on or via a computer, computer network, or computer system or part thereof.

(6.7) "Exceed authorized access" means to access a computer with authorization and to use such access to obtain or alter information, data, computer program, or computer software that the person is not entitled to so obtain or alter.

(7) "Financial instrument" means any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, credit card, debit card, or marketable security.

(8) "Property" includes, but is not limited to, financial instruments, information, including electronically produced data, and computer software and programs in either machine or human readable form, and any other tangible or intangible item of value.

(9) "Services" includes, but is not limited to, computer time, data processing, and storage functions.

(10) To "use" means to instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of a computer, computer system, or computer network.

Source: L. 79: Entire article added, p. 728, § 7, effective July 1. L. 83: (1) R&RE and (10) added, p. 705, §§ 1, 2, effective July 1. L. 2000: (2) amended and (6.3) and (6.7) added, p. 694, § 7, effective July 1.

18-5.5-102. Computer crime.

(1) A person commits computer crime if the person knowingly:

(a) Accesses a computer, computer network, or computer system or any part thereof without authorization; exceeds authorized access to a computer, computer network, or computer system or any part thereof; or uses a computer, computer network, or computer system or any part thereof without authorization or in excess of authorized access; or

(b) Accesses any computer, computer network, or computer system, or any part thereof for the purpose of devising or executing any scheme or artifice to defraud; or

(c) Accesses any computer, computer network, or computer system, or any part thereof to obtain, by means of false or fraudulent pretenses, representations, or promises, money; property; services; passwords or similar information through which a computer, computer network, or computer system or any part thereof may be accessed; or other thing of value; or

(d) Accesses any computer, computer network, or computer system, or any part thereof to commit theft; or

(e) Without authorization or in excess of authorized access alters, damages, interrupts, or causes the interruption or impairment of the proper functioning of, or causes any damage to, any computer, computer network, computer system, computer software, program, application, documentation, or data contained in such computer, computer network, or computer system or any part thereof; or

(f) Causes the transmission of a computer program, software, information, code, data, or command by means of a computer, computer network, or computer system or any part thereof with the intent to cause damage to or to cause the interruption or impairment of the proper functioning of or that actually causes damage to or the interruption or

impairment of the proper functioning of any computer, computer network, computer system, or part thereof.

(2) (Deleted by amendment, L. 2000, p. 695, § 8, effective July 1, 2000.)

(3) (a) Except as provided in paragraph (b) of this subsection (3), if the loss, damage, value of services, or thing of value taken, or cost of restoration or repair caused by a violation of this section is less than one hundred dollars, computer crime is a class 3 misdemeanor; if one hundred dollars or more but less than five hundred dollars, computer crime is a class 2 misdemeanor; if five hundred dollars or more but less than fifteen thousand dollars, computer crime is a class 4 felony; if fifteen thousand dollars or more, computer crime is a class 3 felony.

(b) Computer crime committed in violation of paragraph (a) of subsection (1) of this section is a class 2 misdemeanor; except that, if the person has previously been convicted under this section, a previous version of this section, or a statute of another state of similar content and purport, computer crime committed in violation of paragraph (a) of subsection (1) of this section is a class 6 felony.

Source: **L. 79:** Entire article added, p. 728, § 7, effective July 1. **L. 83:** (1) amended, p. 705, § 3, effective July 1. **L. 84:** (3) amended, p. 538, § 14, effective July 1, 1985. **L. 89:** (3) amended, p. 839, § 75, effective July 1. **L. 92:** (3) amended, p. 437, § 9, effective April 10. **L. 98:** (3) amended, p. 1440, § 18, effective July 1; (3) amended, p. 797, § 12, effective July 1. **L. 2000:** Entire section amended, p. 695, § 8, effective July 1.

ANNOTATION

Am. Jur.2d. See 50 Am. Jur.2d, Larceny, § 67.

Law reviews. For article, "Ownership of Software and Computer-stored Data", see 13 Colo. Law. 577 (1984).