

# IA Electronic Crime Statutes

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## 622.51A Computer printouts.

For purposes of chapters 714 and 716 , computer printouts shall be admitted as evidence of any computer software, program, or data contained in or taken from a computer, notwithstanding an applicable rule of evidence to the contrary.

2000 Acts, ch 1201, §5

## 702.1A Computer terminology.

For purposes of section 714.1 , subsection 8, and section 716.6B :

1. "*Computer*" means an electronic device which performs logical, arithmetical, and memory functions by manipulation of electronic or magnetic impulses, and includes all input, output, processing, storage, computer software, and communication facilities which are connected or related to the computer in a computer system or computer network.

2. "*Computer access*" means to instruct, communicate with, store data in, or retrieve data from a computer, computer system, or computer network.

3. "*Computer data*" means a representation of information, knowledge, facts, concepts, or instructions that has been prepared or is being prepared in a formalized manner and has been processed, or is intended to be processed in a computer. Computer data may be in any form including, but not limited to, printouts, magnetic storage media, punched cards, and as stored in the memory of a computer.

4. "*Computer network*" means a set of related, remotely connected devices and communication facilities including two or more computers with capability to transmit data among them through communication facilities.

5. "*Computer program*" means an ordered set of instructions or statements that, when executed by a computer, causes the computer to process data.

6. "*Computer services*" means the use of a computer, computer system, or computer network and includes, but is not limited to, computer time, data processing, and storage functions.

7. "*Computer software*" means a set of computer programs, procedures, or associated documentation used in the operation of a computer.

8. "*Computer system*" means related, connected or unconnected, computers or peripheral equipment.

9. "*Loss of property*" means the greatest of the following:

a. The retail value of the property involved.

b. The reasonable replacement or repair cost, whichever is less.

10. "*Loss of services*" means the reasonable value of the damage created by the unavailability or lack of utility of the property or services involved until repair or replacement can be effected.

2000 Acts, ch 1201, §6

## 702.14 Property.

"*Property*" is anything of value, whether publicly or privately owned, including but not limited to computers and computer data, computer software, and computer programs. The

term includes both tangible and intangible property, labor, and services. The term includes all that is included in the terms "*real property*" and "*personal property*".

[C79, 81, §702.14]

2000 Acts, ch 1201, §7

#### **714.1 Theft defined.**

A person commits theft when the person does any of the following:

1. Takes possession or control of the property of another, or property in the possession of another, with the intent to deprive the other thereof.

2. Misappropriates property which the person has in trust, or property of another which the person has in the person's possession or control, whether such possession or control is lawful or unlawful, by using or disposing of it in a manner which is inconsistent with or a denial of the trust or of the owner's rights in such property, or conceals found property, or appropriates such property to the person's own use, when the owner of such property is known to the person. Failure by a bailee or lessee of personal property to return the property within seventy-two hours after a time specified in a written agreement of lease or bailment shall be evidence of misappropriation.

3. Obtains the labor or services of another, or a transfer of possession, control, or ownership of the property of another, or the beneficial use of property of another, by deception. Where compensation for goods and services is ordinarily paid immediately upon the obtaining of such goods or the rendering of such services, the refusal to pay or leaving the premises without payment or offer to pay or without having obtained from the owner or operator the right to pay subsequent to leaving the premises gives rise to an inference that the goods or services were obtained by deception.

4. Exercises control over stolen property, knowing such property to have been stolen, or having reasonable cause to believe that such property has been stolen, unless the person's purpose is to promptly restore it to the owner or to deliver it to an appropriate public officer. The fact that the person is found in possession of property which has been stolen from two or more persons on separate occasions, or that the person is a dealer or other person familiar with the value of such property and has acquired it for a consideration which is far below its reasonable value, shall be evidence from which the court or jury may infer that the person knew or believed that the property had been stolen.

5. Takes, destroys, conceals or disposes of property in which someone else has a security interest, with intent to defraud the secured party.

6. Makes, utters, draws, delivers, or gives any check, share draft, draft, or written order on any bank, credit union, person, or corporation, and obtains property, the use of property, including rental property, or service in exchange for such instrument, if the person knows that such check, share draft, draft, or written order will not be paid when presented.

Whenever the drawee of such instrument has refused payment because of insufficient funds, and the maker has not paid the holder of the instrument the amount due thereon within ten days of the maker's receipt of notice from the holder that payment has been refused by the drawee, the court or jury may infer from such facts that the maker knew that the instrument would not be paid on presentation. Notice of refusal of payment shall be by certified mail, or by personal service in the manner prescribed for serving original notices.

Whenever the drawee of such instrument has refused payment because the maker has no account with the drawee, the court or jury may infer from such fact that the maker knew that the instrument would not be paid on presentation.

7. Obtains gas, electricity or water from a public utility or obtains cable television or telephone service from an unauthorized connection to the supply or service line or by intentionally altering, adjusting, removing or tampering with the metering or service device so as to cause inaccurate readings.

8. Knowingly and without authorization accesses or causes to be accessed a computer, computer system, or computer network, or any part thereof, for the purpose of obtaining computer services, information, or property or knowingly and without authorization and with the intent to permanently deprive the owner of possession, takes, transfers, conceals, or retains possession of a computer, computer system, or computer network or any computer software or computer program, or computer data contained in a computer, computer system, or computer network.

9. *a.* Obtains the temporary use of video rental property with the intent to deprive the owner of the use and possession of the video rental property without the consent of the owner.

*b.* Lawfully obtains the temporary use of video rental property and fails to return the video rental property by the agreed time with the intent to deprive the owner of the use and possession of the video rental property without the consent of the owner. The aggregate value of the video rental property involved shall be the original retail value of the video rental property.

10. Any act that is declared to be theft by any provision of the Code.

[C51, §2612, 2615 - 2618, 2620, 2621; R60, §806, 807, 4236, 4237, 4240 - 4243, 4245, 4246, 4251; C73, §3895, 3902, 3905 - 3911, 3915; C97, §4831, 4837 - 4842, 4844, 4845, 4850, 4852, 5076; S13, §4850, 4852-c, -d, -e; C24, §13005, 13010, 13014 - 13016, 13018, 13027, 13030, 13031, 13035 - 13037, 13042, 13046 - 13048, 13052; C27, 31, 35, §13005, 13010, 13014 - 13016, 13018, 13027, 13030, 13031, 13034 - a1 - 13037, 13042, 13046 - 13048, 13052; C39, § **13005, 13010, 13014 - 13016, 13018, 13027, 13030, 13031, 13034.1 - 13037, 13042, 13046 - 13048, 13052**; C46, 50, 54, 58, §709.1, 709.6 - 709.9, 709.11, 710.1, 710.4, 710.5, 710.9 - 710.12, 712.1, 713.2 - 713.4, 713.7; C62, 66, §709.1, 709.6 - 709.9, 709.11, 709.20, 710.1, 710.4, 710.5, 710.9 - 710.12, 712.1, 713.2 - 713.4, 713.7; C71, 73, 75, 77, §709.1, 709.6 - 709.9, 709.11, 709.20, 709.25, 710.1, 710.4, 710.5, 710.9 - 710.12, 710.14, 712.1, 713.2 - 713.4, 713.7; C79, 81, §714.1]

85 Acts, ch 164, §1; 89 Acts, ch 170, §1; 97 Acts, ch 167, §1; 2000 Acts, ch 1201, §9

Computer terminology, see § [702.1A](#)

### **716.6B Unauthorized computer access - penalties - civil cause of action.**

1. A person who knowingly and without authorization accesses a computer, computer system, or computer network commits the following:

*a.* An aggravated misdemeanor if computer data is accessed that contains a confidential record, as defined in section [22.7](#) , operational or support data of a public utility, as defined in section [476.1](#) , operational or support data of a rural water district incorporated pursuant to chapter [357A](#) , [504](#) , or [504A](#) , operational or support data of a municipal utility organized pursuant to chapter [388](#) or [389](#) , operational or support data of a public airport, or a trade secret, as defined in section [550.2](#) .

*b.* A serious misdemeanor if computer data is copied, altered, or deleted.

*c.* A simple misdemeanor for any access which is not an aggravated or serious misdemeanor.

2. The prosecuting attorney or an aggrieved person may institute civil proceedings against any person in district court seeking relief from conduct constituting a violation of this section or to prevent, restrain, or remedy such a violation.

2000 Acts, ch 1201, §11; 2002 Acts, ch 1049, §2; 2003 Acts, ch 75, §1; 2004 Acts, ch 1175, §394

Computer terminology, see § 702.1A

Reference to chapter 504A in subsection 1, paragraph a, to be deleted editorially upon repeal of that chapter; 2004 Acts, ch 1049, §191

Subsection 1, paragraph a amended

35-716A.1

35-716A.2

35-716A.3

35-716A.4

35-716A.5

35-716A.6

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37-716A.3

37.716A.4

37.716A.5

37.716A.6

37.716A.7

37.716A.8

37.716A.10

37.716A.11

37.716A.12

37.716A.13

37.716A.14