

KS Electronic Crime Statutes

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21-3704

Chapter 21.--CRIMES AND PUNISHMENTS

PART II.--PROHIBITED CONDUCT

Article 37.--CRIMES AGAINST PROPERTY

21-3704. Theft of services. (a) Theft of services is obtaining services from another by deception, threat, coercion, stealth, tampering or use of false token or device.

(b) "Services" within the meaning of this section, includes, but is not limited to, labor, professional service, cable television service, public or municipal utility or transportation service, telephone service, lodging, entertainment and the supplying of equipment for use.

(c) "Tampering" within the meaning of this section, includes, but is not limited to:

(1) Making a connection of any wire, conduit or device, to any service or transmission line owned by a public or municipal utility, or by a cable television service provider;

(2) defacing, puncturing, removing, reversing or altering any meter or any connections, for the purpose of securing unauthorized or unmeasured electricity, natural gas, telephone service or cable television service;

(3) preventing any such meters from properly measuring or registering;

(4) knowingly taking, receiving, using or converting to such person's own use, or the use of another, any electricity or natural gas which has not been measured; or any telephone or cable television service which has not been authorized; or

(5) causing, procuring, permitting, aiding or abetting any person to do any of the preceding acts.

(d) In any prosecution under this section, the existence of any of the connections of meters, alterations or use of unauthorized or unmeasured electricity, natural gas, telephone service or cable television service, specified in subsection (c), shall be prima facie evidence of intent to violate the provisions of this section by the person or persons using or receiving the direct benefits from the use of the electricity, natural gas, telephone service or cable television service passing through such connections or meters, or using the electricity, natural gas, telephone service or cable television service which has not been authorized or measured.

(e) (1) Theft of services of the value of \$100,000 or more is a severity level 5, nonperson felony.

(2) Theft of services of the value of at least \$25,000 but less than \$100,000 is a severity level 7, nonperson felony.

(3) Theft of services of the value of at least \$1,000 but less than \$25,000 is a severity level 9, nonperson felony.

(4) Theft of services of the value of less than \$1,000 is a class A nonperson misdemeanor.

History: L. 1969, ch. 180, § 21-3704; L. 1978, ch. 120, § 30; L. 1984, ch. 119, § 3; L. 1988, ch. 113, § 1; L. 1992, ch. 298, § 41; L. 1993, ch. 291, § 66; L. 1994, ch. 291, § 27; L. 2004, ch. 175, § 2; July 1.

21-3755

Chapter 21.--CRIMES AND PUNISHMENTS

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Article 37.--CRIMES AGAINST PROPERTY

21-3755. Computer crime; computer password disclosure; computer trespass. (a) As used in this section:

(1) "Access" 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.

(2) "Computer" means an electronic device which performs work using programmed instruction and which has one or more of the capabilities of storage, logic, arithmetic or communication and includes all input, output, processing, storage, software or communication facilities which are connected or related to such a device in a system or network.

(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 computer equipment or devices and computer software which may be connected or unconnected.

(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, electronically produced or stored data, supporting documentation and computer software in either machine or human readable form.

(9) "Services" includes, but is not limited to, computer time, data processing and storage functions and other uses of a computer, computer system or computer network to perform useful work.

(10) "Supporting documentation" includes, but is not limited to, all documentation used in the construction, classification, implementation, use or modification of computer software, computer programs or data.

(b) (1) Computer crime is:

(A) Intentionally and without authorization accessing and damaging, modifying, altering, destroying, copying, disclosing or taking possession of a computer, computer system, computer network or any other property;

(B) using a computer, computer system, computer network or any other property for the purpose of devising or executing a scheme or artifice with the intent to defraud or for the purpose of obtaining money, property, services or any other thing of value by means of false or fraudulent pretense or representation; or

(C) intentionally exceeding the limits of authorization and damaging, modifying, altering, destroying, copying, disclosing or taking possession of a computer, computer system, computer network or any other property.

(2) Computer crime is a severity level 8, nonperson felony.

(3) In any prosecution for computer crime, it is a defense that the property or services were appropriated openly and avowedly under a claim of title made in good faith.

(c) (1) Computer password disclosure is the unauthorized and intentional disclosure of a number, code, password or other means of access to a computer or computer network.

(2) Computer password disclosure is a class A nonperson misdemeanor.

(d) Computer trespass is intentionally, and without authorization accessing or attempting to access any computer, computer system, computer network or computer software, program, documentation, data or property contained in any computer, computer system or computer network. Computer trespass is a class A nonperson misdemeanor.

(e) This section shall be part of and supplemental to the Kansas criminal code.

History: L. 1985, ch. 108, § 1; L. 1992, ch. 298, § 51; L. 1993, ch. 291, § 93; L. 1994, ch. 291, § 34; L. 1997, ch. 66, § 2; July 1.