

MA Electronic Crime Statutes

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PROOF OF STATUTES, LAWS, ETC.

Chapter 233: Section 79K Duplicate of computer data file or program file; admissibility

Section 79K. A duplicate of a computer data file or program file shall be admissible in evidence as the original itself unless (1) a genuine question is raised as to the authenticity of the original or (2) in the circumstances it would be unfair to admit the duplicate in lieu of the original.

For the purposes of this section, if data is stored in a computer or similar device, any printout or other output readable by sight, shown to reflect the data accurately, shall be an original.

A "'duplicate of a computer data file or program file" shall mean a file produced by the same impression as the original, or from the same matrix, or by mechanical or electronic recording, in the normal way such a duplicate is produced on a computer, or by other equivalent techniques that accurately reproduce the original.

CHAPTER 266. CRIMES AGAINST PROPERTY

Chapter 266: Section 30 Larceny; general provisions and penalties

Section 30. (1) Whoever steals, or with intent to defraud obtains by a false pretence, or whoever unlawfully, and with intent to steal or embezzle, converts, or secretes with intent to convert, the property of another as defined in this section, whether such property is or is not in his possession at the time of such conversion or secreting, shall be guilty of larceny, and shall, if the property stolen is a firearm, as defined in section one hundred and twenty-one of chapter one hundred and forty, or, if the value of the property stolen exceeds two hundred and fifty dollars, be punished by imprisonment in the state prison for not more than five years, or by a fine of not more than twenty-five thousand dollars and imprisonment in jail for not more than two years; or, if the value of the property stolen, other than a firearm as so defined, does not exceed two hundred and fifty dollars, shall be punished by imprisonment in jail for not more than one year or by a fine of not more than three hundred dollars; or, if the property was stolen from the conveyance of a common carrier or of a person carrying on an express business, shall be punished for the first offence by imprisonment for not less than six months nor more than two and one half years, or by a fine of not less than fifty nor more than six hundred dollars, or both, and for a subsequent offence, by imprisonment for not less than eighteen months nor more than two and one half years, or by a fine of not less than one hundred and fifty nor more than six hundred dollars, or both.

(2) The term "property", as used in the section, shall include money, personal chattels, a bank note, bond, promissory note, bill of exchange or other bill, order or certificate, a book of accounts for or concerning money or goods due or to become due or to be delivered, a deed or writing containing a conveyance of land, any valuable contract in force, a receipt, release or defeasance, a writ, process, certificate of title or duplicate certificate issued under chapter one hundred and eighty-five, a public record, anything which is of the realty or is annexed thereto, a security deposit received pursuant to section fifteen B of chapter one hundred and eighty-six, electronically processed or stored data, either tangible or intangible, data while in transit, telecommunications services, and any domesticated animal, including dogs, or a beast or bird which is ordinarily kept in confinement.

(3) The stealing of real property may be a larceny from one or more tenants, sole, joint or in common, in fee, for life or years, at will or sufferance, mortgagors or mortgagees, in possession of the same, or who may have an action of tort against the offender for trespass upon the property, but not from one having only the use or custody thereof. The larceny may be from a wife in possession, if she is authorized by law to hold such property as if sole, otherwise her occupation may be the possession of the husband. If such property which was of a person deceased is stolen, it may be a larceny from any one or more heirs, devisees, reversioners, remaindermen or others, who have a right upon such deceased to take possession, but not having entered, as it would be after entry. The larceny may be from a person whose name is unknown, if it would be such if the property stolen were personal, and may be committed by those who have only the use or custody of the property, but not by a person against whom no action of tort could be maintained for acts like those constituting the larceny.

(4) Whoever steals, or with intent to defraud obtains by a false pretense, or whoever unlawfully, and with intent to steal or embezzle, converts, secretes, unlawfully takes, carries away, conceals or copies with intent to convert any trade secret of another, regardless of value, whether such trade secret is or is not in his possession at the time of such conversion or secreting, shall be guilty of larceny, and shall be punished by imprisonment in the state prison for not more than five years, or by a fine of not more than twenty-five thousand dollars and imprisonment in jail for not more than two years. The term "trade secret" as used in this paragraph means and includes anything tangible or intangible or electronically kept or stored, which constitutes, represents, evidences or records a secret scientific, technical, merchandising, production or management information, design, process, procedure, formula, invention or improvement.

(5) Whoever steals or with intent to defraud obtains by a false pretense, or whoever unlawfully, and with intent to steal or embezzle, converts, or secretes with intent to convert, the property of another, sixty years of age or older, or of a person with a disability as defined in section thirteen K of chapter two hundred and sixty-five, whether such property is or is not in his possession at the time of such conversion or secreting, shall be guilty of larceny, and shall, if the value of the property exceeds two hundred and fifty dollars, be punished by imprisonment in the state prison for not more than ten years or in the house of correction for not more than two and one-half years, or by a fine of not

more than fifty thousand dollars or by both such fine and imprisonment; or if the value of the property does not exceed two hundred and fifty dollars, shall be punished by imprisonment in the house of correction for not more than two and one-half years or by a fine of not more than one thousand dollars or by both such fine and imprisonment. The court may order, regardless of the value of the property, restitution to be paid to the victim commensurate with the value of the property.

CHAPTER 266. CRIMES AGAINST PROPERTY

Chapter 266: Section 60A Stolen trade secrets; buying or selling

Section 60A. Whoever buys, receives, conceals, stores, barter, sells or disposes of any trade secret, or pledges or accepts as security for a loan any trade secret, regardless of value, knowing the same to have been stolen, unlawfully converted, or taken, shall be punished by imprisonment for not more than five years or by a fine of not more than five hundred dollars and imprisonment in jail for not more than two years. The term "trade secret" as used in this section shall have the same meaning as is set forth in section thirty.

CHAPTER 266. CRIMES AGAINST PROPERTY

Chapter 266: Section 33A Obtaining computer services by fraud or misrepresentation; penalties

Section 33A. Whoever, with intent to defraud, obtains, or attempts to obtain, or aids or abets another in obtaining, any commercial computer service by false representation, false statement, unauthorized charging to the account of another, by installing or tampering with any facilities or equipment or by any other means, shall be punished by imprisonment in the house of correction for not more than two and one-half years or by a fine of not more than three thousand dollars, or both. As used in this section, the words "commercial computer service" shall mean the use of computers, computer systems, computer programs or computer networks, or the access to or copying of the data, where such use, access or copying is offered by the proprietor or operator of the computer, system, program, network or data to others on a subscription or other basis for monetary consideration.

CHAPTER 266. CRIMES AGAINST PROPERTY

Chapter 266: Section 120F Unauthorized access to computer system; penalties

Section 120F. Whoever, without authorization, knowingly accesses a computer system by any means, or after gaining access to a computer system by any means knows that such access is not authorized and fails to terminate such access, shall be punished by imprisonment in the house of correction for not more than thirty days or by a fine of not more than one thousand dollars, or both.

The requirement of a password or other authentication to gain access shall constitute notice that access is limited to authorized users.

CHAPTER 266. CRIMES AGAINST PROPERTY

Chapter 266: Section 127 Personal property; malicious or wanton injuries

Section 127. Whoever destroys or injures the personal property, dwelling house or building of another in any manner or by any means not particularly described or mentioned in this chapter shall, if such destruction or injury is wilful and malicious, be punished by imprisonment in the state prison for not more than ten years or by a fine of three thousand dollars or three times the value of the property so destroyed or injured, whichever is greater and imprisonment in jail for not more than two and one-half years; or if such destruction or injury is wanton, shall be punished by a fine of fifteen hundred dollars or three times the value of the property so destroyed or injured, whichever is greater, or by imprisonment for not more than two and one-half years; if the value of the property so destroyed or injured is not alleged to exceed two hundred and fifty dollars, the punishment shall be by a fine of three times the value of the damage or injury to such property or by imprisonment for not more than two and one-half months; provided, however, that where a fine is levied pursuant to the value of the property destroyed or injured, the court shall, after conviction, conduct an evidentiary hearing to ascertain the value of the property so destroyed or injured. The words ""personal property", as used in this section, shall also include electronically processed or stored data, either tangible or intangible, and data while in transit.

CHAPTER 277. INDICTMENTS AND PROCEEDINGS BEFORE TRIAL

VENUE OF SPECIFIC CRIMES

Chapter 277: Section 58A 1/2 %p1/2%p. Computer offenses; place of prosecution

Section 58A 1/2. The crimes described in sections thirty-three A and one hundred and twenty F of chapter two hundred and sixty-six and section one hundred and twenty-seven of said chapter two hundred and sixty-six when the personal property involved is electronically processed or stored data, either tangible or intangible, and data while in transit, may be prosecuted and punished in any county where the defendant was physically located at the time of the violation, or where the electronic data was physically located at the time of the violation.