

# MN Electronic Crime Statutes

(<http://www.leg.state.mn.us/leg/statutes.asp>)

## 270B.18 Criminal penalties.

Subdivision 1. **Unauthorized willful disclosure.** A person willfully making a disclosure not authorized by this chapter is guilty of a gross misdemeanor.

Subd. 2. **Unauthorized computer data access.** In addition to the computer crimes provided in sections [609.87](#) to [609.89](#), a person who intentionally and without authority attempts to or does penetrate property or a computer program or programs, as defined in section [609.87](#), containing Department of Revenue data, is guilty of a gross misdemeanor.

Subd. 3. **Public employee violations.** A willful violation of this chapter by a public employee constitutes just cause for suspension without pay or dismissal of the public employee.

HIST: 1989 c 184 art 1 s 18

## 609.52 Theft.

Subdivision 1. **Definitions.** In this section:

(1) "Property" means all forms of tangible property, whether real or personal, without limitation including documents of value, electricity, gas, water, corpses, domestic animals, dogs, pets, fowl, and heat supplied by pipe or conduit by municipalities or public utility companies and articles, as defined in clause (4), representing trade secrets, which articles shall be deemed for the purposes of Extra Session Laws 1967, chapter 15 to include any trade secret represented by the article.

(9) "Services" include but are not limited to labor, professional services, transportation services, electronic computer services, the supplying of hotel accommodations, restaurant services, entertainment services, advertising services, telecommunication services, and the supplying of equipment for use including rental of personal property or equipment.

**609.87 Computer crime; definitions.**

Subdivision 1. **Applicability.** For purposes of sections 609.87 to [609.89](#), and section [609.891](#), the terms defined in this section have the meanings given them.

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

Subd. 2a. **Authorization.** "Authorization" means with the permission of the owner of the computer, computer system, computer network, computer software, or other property.

Authorization may be limited by the owner by:

(1) giving the user actual notice orally or in writing;

(2) posting a written notice in a prominent location adjacent to the computer being used; or

(3) using a notice displayed on or announced by the computer being used.

Subd. 3. **Computer.** "Computer" means an electronic device which performs logical, arithmetic or memory functions by the manipulations of signals, including but not limited to electronic or magnetic impulses.

Subd. 4. **Computer system.** "Computer system" means related, connected or unconnected, computers and peripheral equipment.

Subd. 5. **Computer network.** "Computer network" means the interconnection of a communication system with a computer through a remote terminal, or with two or more interconnected computers or computer systems, and includes private and public

telecommunications networks.

Subd. 6. **Property.** "Property" includes, but is not limited to, electronically processed or produced data and information contained in a computer or computer software in either machine or human readable form.

Subd. 7. **Services.** "Services" includes but is not limited to, computer time, data processing, and storage functions.

Subd. 8. **Computer program.** "Computer program" means an instruction or statement or a series of instructions or statements, in a form acceptable to a computer, which directs the functioning of a computer system in a manner designed to provide appropriate products from the computer.

Subd. 9. **Computer software.** "Computer software" means a computer program or procedures, or associated documentation concerned with the operation of a computer.

Subd. 10. **Loss.** "Loss" means the greatest of the following:

(a) the retail market value of the property or services involved;

(b) the reasonable repair or replacement cost, whichever is less; or

(c) 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.

Subd. 11. **Computer security system.** "Computer security system" means a software program or computer device that:

(1) is intended to protect the confidentiality and secrecy of data and information stored in or accessible through the computer system; and

(2) displays a conspicuous warning to a user that the user is entering a secure system or requires a person seeking access to knowingly respond by use of an authorized code to the program or device in order to gain access.

Subd. 12. **Destructive computer program.** "Destructive computer program" means a computer program that performs a destructive function or produces a destructive product. A program performs a destructive function if it degrades performance of the affected computer, associated peripherals or

a computer program; disables the computer, associated peripherals or a computer program; or destroys or alters computer programs or data. A program produces a destructive product if it produces unauthorized data, including data that make computer memory space unavailable; results in the unauthorized alteration of data or computer programs; or produces a destructive computer program, including a self-replicating computer program.

HIST: 1982 c 534 s 1; 1989 c 95 s 2,3; 1989 c 159 s 1; 1990 c 494 s 3,4; 1994 c 636 art 2 s 50

**609.88 Computer damage.**

Subdivision 1. **Acts.** Whoever does any of the following is guilty of computer damage and may be sentenced as provided in subdivision 2:

(a) intentionally and without authorization damages or destroys any computer, computer system, computer network, computer software, or any other property specifically defined in section [609.87](#), subdivision 6;

(b) intentionally and without authorization or with intent to injure or defraud alters any computer, computer system, computer network, computer software, or any other property specifically defined in section [609.87](#), subdivision 6; or

(c) distributes a destructive computer program, without authorization and with intent to damage or destroy any computer, computer system, computer network, computer software, or any other property specifically defined in section [609.87](#), subdivision 6.

Subd. 2. **Penalty.** Whoever commits computer damage may be sentenced as follows:

(a) To imprisonment for not more than ten years or to payment of a fine of not more than \$50,000, or both, if the damage, destruction or alteration results in a loss in excess of \$2,500, to the owner, or the owner's agent, or lessee;

(b) To imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the damage, destruction or alteration results in a loss of more than \$500, but not more than \$2,500 to the owner, or the owner's agent or lessee; or

(c) In all other cases to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both.

HIST: 1982 c 534 s 2; 1984 c 628 art 3 s 11; 1986 c 444; 1989 c 159 s 2; 1994 c 636 art 2 s 51; 2004 c 228 art 1 s 72

**609.89 Computer theft.**

Subdivision 1. **Acts.** Whoever does any of the following is guilty of computer theft and may be sentenced as provided in subdivision 2:

(a) intentionally and without authorization or claim of right accesses or causes to be accessed any computer, computer system, computer network or any part thereof for the purpose of obtaining services or property; or

(b) intentionally and without claim of right, and with intent to deprive the owner of use or possession, takes, transfers, conceals or retains possession of any computer, computer system, or any computer software or data contained in a computer, computer system, or computer network.

Subd. 2. **Penalty.** Anyone who commits computer theft may be sentenced as follows:

(a) to imprisonment for not more than ten years or to payment of a fine of not more than \$50,000, or both, if the loss to the owner, or the owner's agent, or lessee is in excess of \$2,500; or

(b) to imprisonment for not more than five years or to

payment of a fine of not more than \$10,000, or both, if the loss to the owner, or the owner's agent, or lessee is more than \$500 but not more than \$2,500; or

(c) in all other cases to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both.

HIST: 1982 c 534 s 3; 1984 c 628 art 3 s 11; 1986 c 444; 1994 c 636 art 2 s 52; 2004 c 228 art 1 s 72

**609.891 Unauthorized computer access.**

Subdivision 1. **Crime.** A person is guilty of unauthorized computer access if the person intentionally and without authority attempts to or does penetrate a computer security system.

Subd. 2. **Felony.** (a) A person who violates subdivision 1 in a manner that creates a grave risk of causing the death of a person is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(b) A person who is convicted of a second or subsequent gross misdemeanor violation of subdivision 1 is guilty of a felony and may be sentenced under paragraph (a).

Subd. 3. **Gross misdemeanor.** (a) A person who violates subdivision 1 in a manner that creates a risk to public health and safety is guilty of a gross misdemeanor and may be sentenced to imprisonment for a term of not more than one year or to payment of a fine of not more than \$3,000, or both.

(b) A person who violates subdivision 1 in a manner that compromises the security of data that are protected under section [609.52](#), subdivision 2, clause (8), or are not public data as defined in section [13.02](#), subdivision 8a, is guilty of a gross misdemeanor and may be sentenced under paragraph (a).

(c) A person who is convicted of a second or subsequent misdemeanor violation of subdivision 1 within five years is guilty of a gross misdemeanor and may be sentenced under paragraph (a).

Subd. 4. **Misdemeanor.** A person who violates subdivision 1 is guilty of a misdemeanor and may be sentenced to imprisonment for a term of not more than 90 days or to payment of a fine of not more than \$1,000, or both.

HIST: 1989 c 95 s 4; 1993 c 326 art 13 s 34; 2004 c 228 art 1  
s 72

**609.8911 Reporting violations.**

A person who has reason to believe that any provision of section [609.88](#), [609.89](#), or [609.891](#) is being or has been violated shall report the suspected violation to the prosecuting authority in the county in which all or part of the suspected violation occurred. A person who makes a report under this section is immune from any criminal or civil liability that otherwise might result from the person's action, if the person is acting in good faith.

HIST: 1994 c 636 art 2 s 53

**609.892 Definitions.**

Subdivision 1. **Applicability.** The definitions in this section apply to sections [237.73](#), 609.892, and [609.893](#).

Subd. 2. **Access device.** "Access device" means a card, plate, code, account number, or other means of account access that can be used, alone or in conjunction with another access device, to obtain telecommunications service.

Subd. 3. **Credit card number.** "Credit card number" means the card number appearing on a credit card that is an identification card or plate issued to a person by a supplier of telecommunications service that permits the person to whom the card has been issued to obtain telecommunications service on credit. The term includes the number or description of the card

or plate even if the card or plate itself is not produced when obtaining telecommunications service.

Subd. 4. **Telecommunications device.**

"Telecommunications device" means an instrument, apparatus, equipment mechanism, operating procedure, or code designed or adapted for a particular use and that is intended or can be used in violation of section [609.893](#). The term includes but is not limited to computer hardware, software, programs, electronic mail system, voice mail system, identification validation system, private branch exchange, or any other means of facilitating telecommunications service.

Subd. 5. **Telecommunications provider.**

"Telecommunications provider" means a person, firm, association, or a corporation, private or municipal, owning, operating, or managing facilities used to provide telecommunications service.

Subd. 6. **Telecommunications service.**

"Telecommunications service" means a service that, in exchange for a pecuniary consideration, provides or offers to provide transmission of messages, signals, facsimiles, or other communication between persons who are physically separated from each other by telephone, telegraph, cable, wire, fiber optic cable, or the projection of energy without physical connection. This term applies when the telecommunications service originates

or ends or both originates and ends in this state.

Subd. 7. **Telephone company.** "Telephone company" means a telecommunications provider that provides local exchange telecommunications service.

HIST: 1990 c 494 s 5; 1991 c 199 art 1 s 86

**609.893 Telecommunications and information services**

**fraud; crime defined.**

Subdivision 1. **Obtaining services by fraud.** A person commits telecommunications and information services fraud and may be sentenced as provided in subdivision 3 if the person, with intent to evade a lawful charge, obtains telecommunications service for the person's own use by any fraudulent means.

Subd. 2. **Facilitation of telecommunications fraud.** A person commits a felony and may be sentenced as provided in subdivision 4 who:

(1) makes available to another, or offers or advertises to make available, a telecommunications device or information in order to facilitate violation of subdivision 1 by another; or

(2) makes, assembles, or possesses a telecommunications device that is designed or adapted to violate subdivision 1 or

to conceal from a provider of telecommunications service or from a lawful authority, the existence or place of origin or destination of telecommunications service.

Subd. 3. **Fraud.** (a) Whoever commits telecommunications and information services fraud in violation of subdivision 1 may be sentenced as follows:

(1) to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the value of the services is in excess of \$2,500;

(2) to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the value of the services is more than \$500 but not more than \$2,500; or

(3) in all other cases, to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both.

(b) Amounts involved in a violation of paragraph (a) under one scheme or course of conduct, whether from the same credit card number or several credit card numbers, may be aggregated in determining the classification of the offense.

Subd. 4. **Facilitation of fraud.** Whoever violates

subdivision 2 is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

HIST: 1990 c 494 s 6; 2004 c 228 art 1 s 72

**626A.26 Unlawful access to stored communications.**

Subdivision 1. **Offense.** Except as provided in subdivision 3, whoever:

(1) intentionally accesses without authorization a facility through which an electronic communication service is provided; or

(2) intentionally exceeds an authorization to access that facility;

and thereby obtains, alters, or prevents authorized access to a wire or electronic communication while it is in the electronic storage in a system must be punished as provided in subdivision 2.

Subd. 2. **Punishment.** The punishment for an offense under subdivision 1 is:

(1) if the offense is committed for purposes of commercial

advantage, malicious destruction or damage, or private commercial gain:

(i) a fine of not more than \$250,000 or imprisonment for not more than one year, or both, in the case of a first offense under this clause; and

(ii) a fine of not more than \$250,000 or imprisonment for not more than two years, or both, for any subsequent offense under this clause;

(2) a fine of not more than \$5,000 or imprisonment for not more than six months, or both, in any other case.

Subd. 3. **Exceptions.** Subdivision 1 does not apply with respect to conduct authorized:

(1) by the person or entity providing a wire or electronic communications service;

(2) by a user of that service with respect to a communication of or intended for that user; or

(3) in sections [626A.05](#) to [626A.09](#), [626A.28](#), or [626A.29](#).

HIST: 1988 c 577 s 47,62; 1989 c 336 art 2 s 8

**626A.27 Disclosure of contents.**

Subdivision 1. **Prohibitions.** Except as provided in subdivision 2:

(1) a person or entity providing an electronic communication service to the public must not knowingly divulge to a person or entity the contents of a communication while in electronic storage by that service; and

(2) a person or entity providing remote computing service to the public must not knowingly divulge to a person or entity the contents of any communication that is carried or maintained on that service:

(i) on behalf of, and received by means of electronic transmission from, or created by means of computer processing of communications received by means of electronic transmission, from a subscriber or customer of the service; and

(ii) solely for the purpose of providing storage or computer processing services to the subscriber or customer, if the provider is not authorized to access the contents of any communications for purposes of providing any services other than storage or computer processing.

Subd. 2. **Exceptions.** A person or entity may divulge the contents of a communication:

(1) to an addressee or intended recipient of the communication or an agent of the addressee or intended recipient;

(2) as otherwise authorized in section [626A.02](#), subdivision 2, paragraph (a); [626A.05](#); or section [626A.28](#);

(3) with the lawful consent of the originator or an addressee or intended recipient of the communication, or the subscriber in the case of remote computing service;

(4) to a person employed or authorized or whose facilities are used to forward a communication to its destination;

(5) as may be necessarily incident to the rendition of the service or to the protection of the rights or property of the provider of that service; or

(6) to a law enforcement agency, if the contents:

(i) were inadvertently obtained by the service provider;

and

(ii) appear to pertain to the commission of a crime.

HIST: 1988 c 577 s 48,62; 1989 c 336 art 2 s 8