

SD Electronic Crime Statutes

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43-43B-1. Unlawful uses of computer system. A person is guilty of unlawful use of a computer system, software, or data if the person:

- (1) Knowingly obtains the use of, accesses or exceeds authorized access to, a computer system, or any part thereof, without the consent of the owner;
- (2) Knowingly obtains the use of, accesses, or exceeds authorized access to, a computer system, or any part thereof, without the consent of the owner, and the access or use includes access to confidential data or material;
- (3) Knowingly copies or obtains information from a computer system, or compromises any security controls for the computer system, or uses or discloses to another, or attempts to use or disclose to another, the numbers, codes, passwords, or other means of access to a computer system without the consent of the owner;
- (4) Knowingly disrupts, denies, or inhibits access to software or data without the consent of the owner;
- (5) Knowingly disrupts, denies, or inhibits access to a computer system, without consent of the owner;
- (6) Knowingly modifies, changes, or alters software or data, without the consent of the owner;
- (7) Knowingly obtains use of, alters, accesses, or exceeds authorized access to, destroys, disables, or inhibits access to a computer system, as part of a deception for the purpose of obtaining money, property, or services from the owner of a computer system, or any third party;
- (8) Knowingly destroys or disables a computer system, without consent of the owner; or
- (9) Knowingly destroys or disables software or computer data, without consent of the owner.

Source: SL 1982, ch 300, § 3; SL 1984, ch 282, § 1; SL 2002, ch 109, § 27.

43-43B-2. Definition of terms. Terms used in this chapter mean:

- (1) "Access," to instruct, communicate with, store data in, or retrieve data from a computer system;
- (2) "Computer," an internally programmed, general purpose digital device capable of automatically accepting data, processing data and supplying the results of the

operation;

(3) "Software," a series of coded instructions or statements in a form acceptable to a computer system, which causes the computer system to process data in order to achieve a certain result;

(4) "Computer system," includes any computer, computer network, other related device, data input and output and storage devices, and data communications links;

(5) "Computer network," a set of related, connected network electronics and communications links that allows any computer system to communicate with any other computer system;

(5A) "Data," digitized information in any form that may be accessed by a computer system, regardless of whether the information is in transmission or stored on a computer system, diskette, compact diskette, cd-rom, tape, or in any other medium;

(6) "Destroy," to make unusable, render inoperable, render unable to accept or process data, or supply results, render unable to perform data processing tasks or cause computer networks to be unable to transfer data between computer systems for any amount of time.

Source: SL 1982, ch 300, § 2; SL 1984, ch 282, § 2; SL 2002, ch 109, § 28.

43-43B-3. Penalties for unlawful use of computer systems. Violations of the provisions of § 43-43B-1 are punishable as follows:

- (1) For a violation of subdivision (1), a Class 1 misdemeanor;
- (2) For a violation of subdivision (2) or (3), a Class 6 felony;
- (3) For a violation of subdivision (4), a Class 5 felony;
- (4) For a violation of subdivision (5) or (6), a Class 4 felony;
- (5) For a violation of subdivision (8) or (9), a Class 3 felony;
- (6) For a violation of subdivision (7), a Class 2 felony.

Source: SL 1982, ch 300, § 4; SL 1984, ch 282, § 3; SL 2002, ch 109, § 29.

43-43B-4 to 43-43B-6. Repealed by SL 2002, ch 109, §§ 30 to 32

43-43B-7. Civil rights not affected. The provisions of this chapter shall neither enlarge nor diminish the rights of parties in civil litigation.

Source: SL 1982, ch 300, § 8.

43-43B-8. Venue for violations. For the purpose of venue under the provisions of this chapter, any violation of this chapter shall be considered to have been committed: in any county in which any act was performed in furtherance of any transaction violating this chapter; in any county in which any violator had control or possession of any proceeds of said violation or of any books, records, documents, property, financial instrument, computer software, computer program, or other material, objects or items which were used in any county from which, to which, or through which any access to a computer, computer system, or computer network was made whether by wires, electromagnetic waves, microwaves, or any other means of communication.

Source: SL 1984, ch 282, § 5.