

**HOUSE BILL NO. 258**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES PETERSEN, GRUENBERG, BUCH, AND HOLMES**

**Introduced: 1/19/10**

**Referred: Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to criminal use of a computer."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 **\* Section 1.** AS 11.46.740(a) is amended to read:

4 (a) A person commits the offense of criminal use of a computer if, having no  
5 right to do so or any reasonable ground to believe the person has such a right, the  
6 person knowingly

7 (1) accesses, causes to be accessed, or exceeds the person's authorized  
8 access to a computer, computer system, computer program, computer network, or any  
9 part of a computer system or network, and, as a result of or in the course of that  
10 access,

11 (A) [(1)] obtains information concerning a person;

12 (B) [(2)] introduces false information into a computer,  
13 computer system, computer program, or computer network with the intent to  
14 damage or enhance the data record or the financial reputation of a person;

15 (C) [(3)] introduces false information into a computer,

1 computer system, computer program, or computer network and, with criminal  
 2 negligence, damages or enhances the data record or the financial reputation of  
 3 a person;

4 **(D)** [(4)] obtains proprietary information of another person;

5 **(E)** [(5)] obtains information that is only available to the public  
 6 for a fee;

7 **(F)** [(6)] introduces instructions, a computer program, or other  
 8 information that tampers with, disrupts, disables, or destroys a computer,  
 9 computer system, computer program, computer network, or any part of a  
 10 computer system or network; or

11 **(G)** [(7)] encrypts or decrypts data; **or**

12 **(2) installs on a computer a keystroke logger or other device or**  
 13 **program that has the ability to record another person's keystrokes or entries or**  
 14 **enables on a computer a keystroke logger or other device or program that has the**  
 15 **ability to record another person's keystrokes or entries when those keystrokes or**  
 16 **entries are transmitted wirelessly or by other nonwired means.**

17 \* **Sec. 2.** AS 11.46.740 is amended by adding a new subsection to read:

18 (d) In a prosecution under (a)(2) of this section, it is an affirmative defense  
 19 that the person installing or enabling the keystroke logger or other device or program  
 20 owned the computer on which the device was installed or enabled.