

CHAPTER 716A.1. Definitions

As used in this chapter, unless the context otherwise requires:

- 1 "Access" means to instruct, communicate with, store data in, or retrieve data from a computer, computer system or computer network.
- (2) "Computer" means an electronic device which performs logical, arithmetical, and memory functions by manipulations of electronic or magnetic impulses, and includes all input, output, processing, storage, computer software, and communications facilities which are connected or related to the computer in a computer system or computer network.
- (3) "Computer systems" means related, connected or unconnected, computers or peripheral equipment.
- (4) "Computer network" means a set related, remotely connected devices and communication facilities including two or more computers with capability to transmit data among them through communication facilities.
- (5) "Computer program" means an ordered set of instructions or statements that, when executed by a computer causes the computer to process data;
- (6) "Computer software" means a set of computer programs, procedures, or associated documentation used in the operation of a computer.
- (7) "Data" means a representation of information, knowledge, facts, concepts or instructions that has been prepared or is being prepared in a formalized manner and has been processed, or is intended to be processed in a computer. Data may be in any form including, but not limited to, printouts, magnetic storage media, punched cards and as stored in the memory of a computer.
- (8) "Property" means anything of value as defined in section 702.14, including but not limited to computers and computer data information, software, and programs.
- (9) "Services" means the use of a computer, computer system, or computer network and includes, but is not limited to, computer time, data processing, and storage functions.
- (10) "Loss of property" means the greatest of the following:
 - a. The retail value of the property involved.
 - b. The reasonable replacement or repair cost, whichever is less.

(11) "Loss of services" means 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 affected.

716A.2. Unauthorized access

A person knowingly and without authorization access a computer, computer system, or computer network commits a simple misdemeanor.

716A.3. Computer damage defined

A person commits computer damage when the person knowingly and without authorization damages or destroys a computer, computer system, computer network, computer software, computer program, or any other property as defined in section 716A.1, subsection 8, or knowingly and without authorization and with the intent to injure or defraud alters any computer, computer system, computer network, computer software, computer program, or any other property as defined in section 716A.1, subsection 8.

716A.4. Computer damage in the first degree

Computer damage is computer damage in the first degree when the damage results in a loss of property or service of more than five thousand dollars. Computer damage in the first degree is a class "C" felony.

716A.5. Computer damage in the second degree

Computer damage is computer damage in the second degree when the damage results in a loss of property or service of more than five hundred dollars but not more than five thousand dollars. Computer damage in the first degree is a class "D" felony.

716A.6. Computer damage in the third degree

Computer damage is computer damage in the third degree when the damage results in a loss of property or service of more than one hundred dollars but more more than five hundred dollars. Computer damage in the third degree is an aggravated misdemeanor.

716A.7. Computer damage in the fourth degree

Computer damage is computer damage in the third degree when the damage results in a loss of property or service of more than fifty dollars but not more than one hundred dollars. Computer damage in the fourth degree is an serious misdemeanor.

716A.8. Computer damage in the fifth degree

Computer damage is computer damage in the fifth degree when the damage results in a loss of property or service of not more than fifty dollars. Computer damage in the fifth degree is a simple misdemeanor.

716A.9. Computer theft defined

A person commits computer theft when the person knowingly and without authorization accesses or causes to be accessed a computer, computer system, or computer network, or any part thereof, for the purpose of obtaining services, information or property or knowingly and without authorization and with the intent to permanently deprive the owner of possession, takes, transfers, conceals or retains possession of a computer, computer system, or computer network or any computer software or program, or data contained in a computer, computer system, or computer network.

716A.10. Computer theft in the first degree

Computer theft is computer theft in the first degree when the theft results in a loss of property or service of more than five thousand dollars. Computer theft in the first degree is a class "C" felony.

716A.11. Computer theft in the second degree

Computer theft is computer theft in the second degree when the theft results in a loss of property or service of more than five hundred dollars but not more than five thousand dollars. Computer theft in the first degree is a class "D" felony.

716A.12. Computer theft in the third degree

Computer theft is computer theft in the third degree when the theft results in a loss of property or service of more than one hundred dollars but more more than five hundred dollars. Computer theft in the third degree is an aggravated misdemeanor.

716A.13. Computer theft in the fourth degree

Computer theft is computer theft in the third degree when the theft results in a loss of property or service of more than fifty dollars but not more than one hundred dollars. Computer theft in the fourth degree is an serious misdemeanor.

716A.14. Computer theft in the fifth degree

Computer theft is computer theft in the fifth degree when the theft results in a loss of property or service of not more than fifty dollars. Computer theft in the fifth degree is a simple misdemeanor.

716A.15. Chapter not exclusive

This chapter does not preclude the applicability of any other provision of the law of this state which is not inconsistent with this chapter and which applies or may apply to an act or transaction in violation of this chapter.

716A.16. Printouts admissible as evidence

In a prosecution under this chapter, computer printouts shall be admitted as evidence of any computer software, program, or data contained in or taken from a computer, notwithstanding an applicable rule of evidence to the contrary.