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## State of Minnesota

## HOUSE OF REPRESENTATIVES

A bill for an act

relating to public safety; expanding crime of unauthorized computer access to

include accessing a computer without penetrating security system; amending

Minnesota Statutes 2016, section 609.891.

NINETIETH SESSION

H. F. No. 3209

03/01/2018

Authored by Lucero and Peterson
The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance

1.5	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
1.6	Section 1. Minnesota Statutes 2016, section 609.891, is amended to read:
1.7	609.891 UNAUTHORIZED COMPUTER ACCESS.
1.8	Subdivision 1. Crime. A person is guilty of unauthorized computer access if the person
1.9	intentionally and without authorization attempts to or does:
1.10	(1) penetrate a computer security system; or
1.11	(2) access an unsecured computer that contains personal data.
1.12	Subd. 2. <b>Felony.</b> (a) A person who violates subdivision 1, clause (1), in a manner that
1.13	creates a grave risk of causing the death of a person is guilty of a felony and may be sentenced
1.14	to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000,
1.15	or both.
1.16	(b) A person who is convicted of a second or subsequent gross misdemeanor violation
1.17	of subdivision 1, clause (1), is guilty of a felony and may be sentenced under paragraph (a).
1.18	Subd. 3. <b>Gross misdemeanor.</b> (a) A person who violates subdivision 1, clause (1), in
1.19	a manner that creates a risk to public health and safety is guilty of a gross misdemeanor and
1.20	may be sentenced to imprisonment for a term of not more than one year or to payment of
1.21	a fine of not more than \$3,000, or both.

Section 1. 1

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(b) A person who violates subdivision 1, clause (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).

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- (c) A person who violates subdivision 1, clause (1), and gains access to personal data is guilty of a gross misdemeanor and may be sentenced under paragraph (a).
- (d) 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.
- 2.13 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Section 1. 2