

an agricultural operation causes injury or direct threat of injury to the health or safety of any person; (c) to the pollution of, or change in the condition of, the waters of the state or the overflow of waters on the lands of any person; (d) to an agricultural operation within the limits of a home rule charter or statutory city; (e) to an animal feedlot facility with a swine capacity of 1,000 or more animal units as defined in the rules of the pollution control agency for control of pollution from animal feedlots, or a cattle capacity of 2,500 animals or more; or (f) to any prosecution for the crime of public nuisance as provided in section 609.74 or to an action by a public authority to abate a particular condition which is a public nuisance.

Subd. 3. EXISTING CONTRACTS. This section shall not be construed to invalidate any contracts or commitments made before the effective date of this section.

Subd. 4. SEVERABILITY. If a provision of this section, or application thereof to any person or set of circumstances, is held invalid or unconstitutional, the invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application. To that end, the provisions of this section are declared to be severable.

Subd. 5. APPLICATION; LOCAL APPROVAL. This section does not apply to any nuisance which interferes with the use or enjoyment of property in a county in which the county board has disapproved by resolution of the application of the section to that county, or of property in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott or Washington.

## Sec. 2. EFFECTIVE DATE.

This act is effective January 1, 1983, and does not affect legal actions commenced prior to that date.

Approved March 22, 1982

## CHAPTER 533 — H.F.No. 356

*An act relating to crimes; specifying offenses relating to computers; providing penalties; proposing new law coded in Minnesota Statutes 1980, Chapter 609.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

### Section 1. [609.87] COMPUTER CRIME; DEFINITIONS.

Subdivision 1. APPLICABILITY. For purposes of sections 1 to 3 the terms defined in this section have the meanings given them.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

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

Subd. 3. COMPUTER. "Computer" means an electronic device which performs logical, arithmetic and 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.

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.

Sec. 2. [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 1, subdivision 6; or

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(b) Intentionally and without authorization and with intent to injure or defraud alters any computer, computer system, computer network, computer software, or any other property specifically defined in section 1, 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, his agent, or lessee;

(b) To imprisonment for not more than five years or to payment of a fine of not more than \$5,000, 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, his 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 \$500, or both.

### **Sec. 3. [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 permanently deprive the owner of 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, his 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 \$5,000, or both, if the loss to the owner, his 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 \$500, or both.

### **Sec. 4. EFFECTIVE DATE.**

This act is effective August 1, 1982 and applies to all crimes committed on or after that date.

Approved March 22, 1982

Changes or additions are indicated by underline, deletions by ~~strikeout~~.