

**CHAPTER 123--H.F.No. 817**

*An act relating to public safety; establishing crimes for interfering or attempting to interfere with point-of-sale terminals, gas pump dispensers, and automated teller machines; amending Minnesota Statutes 2016, sections 609.87, subdivision 2a, by adding subdivisions; 609.891, subdivisions 1, 2, 3.*

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

Section 1. Minnesota Statutes 2016, section 609.87, subdivision 2a, is amended to read:

Subd. 2a. **Authorization.** (a) "Authorization" means:

(1) with the permission of the owner of the computer, computer system, computer network, computer software, or other property;

(2) access by employees of the Department of Commerce acting under the authority and powers granted to the director of the Weights and Measures Division in chapter 239 at any time the device is commercially available for use;

(3) access by registrants in the voluntary placing in service program and registered liquefied petroleum gas (LPG) meter inspectors acting under the authority and powers granted in Minnesota Rules, part 7601, but only at times specified by the device owner or operator or the device owner's or operator's designated representative; or

(4) access by other people who have the express permission of the device owner or operator or the device owner's or operator's designated representative but only at times as approved by the device owner or operator and only for purposes approved by the device owner or operator.

(b) Authorization may be limited by the owner by:

(1) giving the user actual notice orally or in writing;

(2) posting a written notice in a prominent location adjacent to the computer being used; or

(3) using a notice displayed on or announced by the computer being used.

**EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2016, section 609.87, is amended by adding a subdivision to read:

Subd. 15. **Electronic terminal.** "Electronic terminal" means an electronic device, other than a telephone operated by a consumer, through which an individual or company may initiate an electronic fund transfer. The term includes, but is not limited to, point-of-sale terminals, automated teller machines, cash dispensing machines, and gas pump dispensers.

**EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2016, section 609.87, is amended by adding a subdivision to read:

Subd. 16. **Access device.** "Access device" means a card that is used by an individual or company to initiate transactions and is:

- (1) a means of access to an individual's or company's account;
- (2) issued on a prepaid basis to the individual or company in a specific amount; or
- (3) used by the individual or company to access government benefits.

**EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2016, section 609.891, subdivision 1, is amended to read:

Subdivision 1. **Crime.** A person is guilty of unauthorized computer access if the person intentionally and without authorization attempts to or does penetrate a computer security system or electronic terminal.

**EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2016, section 609.891, subdivision 2, is amended to read:

Subd. 2. **Felony.** (a) A person who violates subdivision 1 in a manner that creates a grave risk of causing the death of a person is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(b) A person who is convicted of a second or subsequent gross misdemeanor violation of subdivision 1 is guilty of a felony and may be sentenced under paragraph (a).

(c) A person who violates subdivision 1 by accessing, or attempting to access, an electronic terminal through opening any panel or access door without authorization and placing or attaching, or attempting to place or attach, an electronic device to capture, store, or communicate access device information is guilty of a felony.

**EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2016, section 609.891, subdivision 3, is amended to read:

Subd. 3. **Gross misdemeanor.** (a) A person who violates subdivision 1 in a manner that creates a risk to public health and safety is guilty of a gross misdemeanor and may be sentenced to imprisonment for a term of not more than one year or to payment of a fine of not more than \$3,000, or both.

(b) A person who violates subdivision 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).

(c) A person who violates subdivision 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).

(e) A person who violates subdivision 1 by accessing, or attempting to access, an electronic terminal through opening, or attempting to open, any panel or access door without authorization is guilty of a gross misdemeanor and may be sentenced under paragraph (a).

**EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Presented to the governor May 4, 2018