626A.26 UNLAWFUL ACCESS TO STORED COMMUNICATIONS.

Subdivision 1. **Offense.** Except as provided in subdivision 3, whoever:

(1) intentionally accesses without authorization a facility through which an electronic communication service is provided; or

(2) intentionally exceeds an authorization to access that facility;

and thereby obtains, alters, or prevents authorized access to a wire or electronic communication while it is in the electronic storage in a system must be punished as provided in subdivision 2.

Subd. 2. **Punishment.** The punishment for an offense under subdivision 1 is:

(1) if the offense is committed for purposes of commercial advantage, malicious destruction or damage, or private commercial gain:

(i) a fine of not more than $250,000 or imprisonment for not more than 364 days, or both, in the case of a first offense under this clause; and

(ii) a fine of not more than $250,000 or imprisonment for not more than two years, or both, for any subsequent offense under this clause;

(2) a fine of not more than $5,000 or imprisonment for not more than six months, or both, in any other case.

Subd. 3. **Exceptions.** Subdivision 1 does not apply with respect to conduct authorized:

(1) by the person or entity providing a wire or electronic communications service;

(2) by a user of that service with respect to a communication of or intended for that user; or

(3) in sections 626.085, 626A.05 to 626A.09, or 626A.28.

History: *1988 c 577 s 47,62; 1989 c 336 art 2 s 8; 2020 c 82 s 7; 2023 c 52 art 6 s 16*