

**45-6-311, MCA**

Current through all 2023 legislation, inclusive of the final Chapter 783 of the 68th Legislature's concluded Regular session.

*LexisNexis® Montana Code Annotated > Title 45 Crimes (Chs. 1 — 10) > Chapter 6 Offenses Against Property (Pts. 1 — 3) > Part 3 Theft and Related Offenses (§§ 45-6-301 — 45-6-345)*

**45-6-311 Unlawful use of a computer — exceptions.**

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- (1) Except as provided in subsections (3) (4), (5), and (7), a person commits the offense of unlawful use of a computer when the person knowingly or purposely and without authorization:
- (a) destroys or renders inoperable a computer, computer system, computer network or any part of a computer system or network with the purpose of making the device or system physically inaccessible or to render the data, programs, or supporting documentation inaccessible or unusable;
  - (b) obtains the use or access of any computer, computer system, or computer network without consent of the owner;
  - (c) introduces a computer contaminant that deletes, modifies, or renders unavailable data, programs, or supporting documentation residing or existing internal or external to a computer, computer system, computer network, or electronic device;
  - (d) destroys data, programs, or supporting documentation residing or existing internal or external to a computer, computer system, computer network, or electronic device;
  - (e) discloses or takes data, programs, or supporting documentation that is a trade secret, confidential, or otherwise protected as provided by law or is data that materially compromises the security, confidentiality, or integrity of personal information as defined in 30-14-1704 residing or existing internal or external to a computer, computer system, computer network, or electronic device;
  - (f) introduces a computer contaminant to gain access to data, programs, supporting documentation, computer systems, including peripheral devices, or computer networks to delete, encrypt, modify, append, or otherwise render unavailable data, programs, supporting documentation, computer systems, including peripheral devices, computer networks, or electronic devices owned or operated by a governmental or private entity or person;
  - (g) uses or changes in any way another person's computer credentials without the person's permission; or
  - (h) uses another person's computer or computer credentials to track that person's movements or monitor that person's communications without that person's consent.
- (2) A person convicted of the offense of unlawful use of a computer involving loss of property not exceeding \$1,500 in value or when no loss can be articulated shall be fined not to exceed \$1,500 or be imprisoned in the county jail for a term not to exceed 6 months, or both. A person convicted of

the offense of unlawful use of a computer involving loss of property exceeding \$1,500 in value shall be fined not more than 2 1/2 times the value of the property used, altered, destroyed, or obtained or be imprisoned in the state prison for a term not to exceed 10 years, or both.

(3) A person is not in violation of this section if the person encrypts or modifies another person's computer, computer system, electronic device, or computer credentials without permission or consent for the purposes of complying with a court order or a warrant from federal, state, or local law enforcement.

(4) This section does not apply to an individual who modifies, accesses, or destroys the individual's personal computer, computer network, computer system, or electronic device.

(5) A person may not:

- (a) encrypt or modify another person's computer, computer system, or electronic device;
- (b) restrict access to personal data by any means; or
- (c) restrict access to a product or service because the consumer did not authorize the use or collection of data.

(6) Except as provided in subsection (5) and (7), a person may enforce the terms of a legal contract between the persons.

(7) A person may only enforce nonpayment under the terms of a legal contract concerning digital software through modification of credentials.

## History

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En. Sec. 3, Ch. 485, L. 1981; amd. Sec. 4, Ch. 581, L. 1983; amd. Sec. 5, Ch. 616, L. 1993; amd. Sec. 7, Ch. 397, L. 1999; amd. Sec. 7, Ch. 473, L. 2009; § 2, Ch. 247, L. 2023, effective October 1, 2023.

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