

KRS § 434.840

This document is current through Chapter 5 of the 2024 session.

Michie's™ Kentucky Revised Statutes > TITLE XL Crimes and Punishments (Chs. 431 — 441) > CHAPTER 434 Offenses Against Property by Fraud (§§ 434.010 — 434.876) > Unlawful Access to a Computer (§§ 434.840 — 434.860)

434.840. Definitions.

For the purposes of KRS 434.840 to 434.860, the following words, including any form of the word, and terms shall have the following meanings:

- (1) “Access” means to approach, instruct, communicate with, manipulate, store data in, retrieve or intercept data from, or otherwise make use of any resources of, a computer, computer system, or computer network;
- (2) “Computer” means any device, equipment, or facility that uses a computer program or other instructions, stored either temporarily or permanently, to perform specific operations including but not limited to logical, arithmetic, or memory functions with or on data or a computer program that can store, retrieve, alter, or communicate the results of the operations to a person, computer program, computer, computer system, or computer network;
- (3) “Computer network” means an interconnection of two (2) or more devices used for the purpose of transmitting any combination of voice, video, or data including but not limited to bridges, routers, switches, antennas, or towers connected by hardwire or wireless communications lines;
- (4) “Computer program” means a set of instructions or statements and related data that, when executed in actual or modified form, cause a computer, computer system, or computer network to perform specified functions;
- (5) “Computer software” means computer programs, procedures, or associated documentation concerned with the operation of a computer, computer system, or computer network for system control or processing of data;
- (6) “Computer system” means a set of related computer equipment, devices, data, software, or hardware that is designed to perform a specific function;
- (7) “Data” means a representation of information, knowledge, facts, concepts, or instructions which are being prepared or have been prepared in a formalized manner, and is intended to be stored or processed, or is being stored or processed, or has been stored or processed, in a computer, computer system, or computer network;
- (8) “Device” includes but is not limited to an electronic, magnetic, electrochemical, biochemical, hydraulic, optical, or organic object that performs input, output, or storage functions by the manipulation of electronic, magnetic, or other impulses;

(9) “Effective consent” means consent by a person legally authorized to act for the owner. Consent is not effective if it is:

- (a)** Induced by deception or coercion;
- (b)** Given by a person who the actor knows is not legally authorized to act for the owner;
- (c)** Given by a person who by reason of age, mental disease or defect, or intoxication is known by the actor to be unable to make responsible property or data dispositions; or
- (d)** Used for a purpose other than that for which the consent is given;

(10) “Financial instruments” includes but is not limited to any check, draft, warrant, money order, certificate of deposit, negotiable instrument, letter of credit, bill of exchange, credit or debit card, transaction authorization mechanism, marketable security, or any electronic representation thereof;

(11) “Intellectual property” includes data, text, images, sound, codes, computer programs, software, or databases which may be in any form, including but not limited to, computer printouts, magnetic storage media, punched cards, or which may be stored internally in the memory of a computer;

(12) “Loss or damage” means the result of accessing, attempting to access, or causing to be accessed, without effective consent, any computer software, computer program, data, computer, computer system, computer network, or any part thereof, including but not limited to theft, alteration, or destruction of data, security breaches, or disruption of services;

(13) “Owner” means a person who has title, license, or other lawful possession of the property, a person who has the right to restrict access to the property, or a person who has a greater right to possession of the property than the actor;

(14) “Property” includes but is not limited to intellectual property, financial instruments, data, computer programs, documentation associated with data, computers, computer systems and computer programs, all in machine-readable or human-readable form, and any tangible or intangible item of value; and

(15) “Services” includes but is not limited to the use of a computer, a computer system, a computer network, computer software, computer program, or data to perform tasks.

History

Enact. Acts 1984, ch. 210, § 1, effective July 13, 1984; 2002, ch. 350, § 1, effective July 15, 2002.

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