

## **Miss. Code Ann. § 97-45-1**

Current with 2024 1st and 2nd Extraordinary Sessions and Regular Session legislation signed by the Governor and effective upon passage through April 15, 2024, not including changes and corrections made by the Joint Legislative Committee on Compilation, Revision and Publication of Legislation.

*Mississippi Code 1972 Annotated > Title 97. Crimes (Chs. 1 — 47) > Chapter 45. Computer Crimes and Identity Theft (§§ 97-45-1 — 97-45-33)*

### **§ 97-45-1. Definitions.**

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For the purposes of this chapter, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

- (a) “Access” means to program, to execute programs on, to communicate with, store data in, retrieve data from or otherwise make use of any resources, including data or programs, of a computer, computer system or computer network.
- (b) “Computer” includes an electronic, magnetic, optical or other high-speed data processing device or system performing logical arithmetic and storage functions and includes any property, data storage facility or communications facility directly related to or operating in conjunction with such device or system. “Computer” shall not include an automated typewriter or typesetter, a machine designed solely for word processing which contains no database intelligence or a portable hand-held calculator nor shall “computer” include any other device which contains components similar to those in computers but in which the components have the sole function of controlling the device for the single purpose for which the device is intended unless the thus controlled device is a processor of data or is a storage of intelligence in which case it too is included.
- (c) “Computer network” means a set of related, remotely connected devices and communication facilities including at least one (1) computer system with the capability to transmit data through communication facilities.
- (d) “Computer program” means an ordered set of data representing coded instructions or statements that when executed by a computer cause the computer to process data.
- (e) “Computer software” means a set of computer programs, procedures and associated documentation concerned with operation of a computer system.
- (f) “Computer system” means a set of functionally related, connected or unconnected, computer equipment, devices or computer software.
- (g) “Computer services” means providing access to or service or data from a computer, a computer system or a computer network and includes the actual data processing.

**(h)** “Credible threat” means a threat made with the intent and the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety.

**(i)** “Loss or damage” includes any reasonable cost to any victim, including the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost, cost incurred or other consequential damages incurred because of interruption of service.

**(j)** “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.

**(k)** “Electronic communication” means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature, transmitted in whole or in part by a wire, radio, computer, electromagnetic, photoelectric or photo-optical system.

**(l)** “Electronic mail” means the transmission of information or communication by the use of the Internet, a computer, a facsimile machine, a pager, a cellular telephone, a video recorder or other electronic means sent to a person identified by a unique address or address number and received by that person.

**(m)** “Emotional distress” means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

**(n)** “Financial instrument” means any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, credit card as defined in Section 97-19-9(b), Mississippi Code of 1972, or marketable security.

**(o)** “Financial transaction device” means any of the following:

**(i)** An electronic funds transfer card.

**(ii)** A credit card.

**(iii)** A debit card.

**(iv)** A point-of-sale card.

**(v)** Any instrument, device, card, plate, code, account number, personal identification number, or a record or copy of a code, account number, or personal identification number or other means of access to a credit account or deposit account, or a driver’s license or state identification card used to access a proprietary account, other than access originated solely by a paper instrument, that can be used alone or in conjunction with another access device, for any of the following purposes.

1. Obtaining money, cash refund or credit account credit, goods, services or any other thing of value.

2. Certifying or guaranteeing to a person or business the availability to the device holder of funds on deposit to honor a draft or check payable to the order of that person or business.

3. Providing the device holder access to a deposit account for the purpose of making deposits, withdrawing funds, transferring funds between deposit accounts, obtaining information pertaining to a deposit account or making an electronic funds transfer.

(p) “Intellectual property” includes data, computer programs, computer software, trade secrets, copyrighted materials and confidential or proprietary information in any form or medium when such is stored in, produced by or intended for use or storage with or in a computer, a computer system or a computer network.

(q) “Internet” means that term as defined in Section 230 of Title II of the Communications Act of 1934, Chapter 652, 110 Stat. 137, 47 USCS 230.

(r) “Medical records” includes, but is not limited to, medical and mental health histories, reports, summaries, diagnoses and prognoses, treatment and medication information, notes, entries, and x-rays and other imaging records.

(s) “Personal identity information” means any of the following information of another person:

(i) A social security number.

(ii) A driver’s license number, state personal identification card number or tribal identification card number.

(iii) Employment information.

(iv) Information regarding any financial account held by another person including, but not limited to, any of the following:

1. A savings or checking account number.

2. A financial transaction device account number.

3. A stock or other security certificate or account number.

4. A personal information number for an account described in items 1 through 4.

(t) “Post a message” means transferring, sending, posting, publishing, disseminating, or otherwise communicating or attempting to transfer, send, post, publish, disseminate or otherwise communicate information, whether truthful or untruthful, about the victim.

(u) “Property” means property as defined in Section 1-3-45, Mississippi Code of 1972, and shall specifically include, but not be limited to, financial instruments, electronically stored or produced data and computer programs, whether in machine readable or human readable form.

(v) “Proper means” includes:

(i) Discovery by independent invention;

(ii) Discovery by “reverse engineering”; that is, by starting with the known product and working backward to find the method by which it was developed. The acquisition of the known product must be by lawful means;

(iii) Discovery under license or authority of the owner;

(iv) Observation of the property in public use or on public display; or

(v) Discovery in published literature.

**(w)** “Unconsented contact” means any contact with another individual that is initiated or continued without that individual’s consent or in disregard of that individual’s expressed desire that the contact be avoided or discontinued. Unconsented contact includes any of the following:

- (i)** Following or appearing within sight of the victim.
  - (ii)** Approaching or confronting the victim in a public place or on private property.
  - (iii)** Appearing at the victim’s workplace or residence.
  - (iv)** Entering onto or remaining on property owned, leased or occupied by the victim.
  - (v)** Contacting the victim by telephone.
  - (vi)** Sending mail or electronic communications to the victim through the use of any medium, including the Internet or a computer, computer program, computer system or computer network.
  - (vii)** Placing an object on, or delivering or having delivered an object to, property owned, leased or occupied by the victim.
- (x)** “Use” means to make use of, to convert to one’s service, to avail oneself of or to employ. In the context of this chapter, “use” includes to instruct, communicate with, store data in or retrieve data from, or otherwise utilize the logical arithmetic or memory functions of a computer.
- (y)** “Victim” means the individual who is the target of the conduct elicited by the posted message or a member of that individual’s immediate family.

## History

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Laws, 1985, ch. 319, § 1; Laws, 2003, ch. 562, § 4, eff from and after July 1, 2003; Laws, 2021, ch. 378, § 15, eff from and after July 1, 2021.

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