

O.C.G.A. § 16-9-92

Current with Chapters 354 through 374 of the 2024 Regular Session of the General Assembly. The Statutes do not reflect possible future codification directives from the Revisor of Statutes pursuant to Code Section 28-9-5. Additionally, the Statutes may be affected by prior or subsequent legislative enactment, revision, or executive action.

Official Code of Georgia Annotated > TITLE 16 Crimes and Offenses (Chs. 1 — 17) > CHAPTER 9 Forgery and Fraudulent Practices (Arts. 1 — 9) > Article 6 Computer Systems Protection (Pts. 1 — 4) > PART 1 Computer Crimes (§§ 16-9-90 — 16-9-94)

16-9-92. Definitions.

As used in this article, the term:

- (1) “Computer” means an electronic, magnetic, optical, hydraulic, electrochemical, or organic device or group of devices which, pursuant to a computer program, to human instruction, or to permanent instructions contained in the device or group of devices, can automatically perform computer operations with or on computer data and can communicate the results to another computer or to a person. The term includes any connected or directly related device, equipment, or facility which enables the computer to store, retrieve, or communicate computer programs, computer data, or the results of computer operations to or from a person, another computer, or another device. This term specifically includes, but is not limited to, mail servers and e-mail networks. This term does not include a device that is not used to communicate with or to manipulate any other computer.
- (2) “Computer network” means a set of related, remotely connected computers and any communications facilities with the function and purpose of transmitting data among them through the communications facilities.
- (3) “Computer operation” means computing, classifying, transmitting, receiving, retrieving, originating, switching, storing, displaying, manifesting, measuring, detecting, recording, reproducing, handling, or utilizing any form of data for business, scientific, control, or other purposes.
- (4) “Computer program” means one or more statements or instructions composed and structured in a form acceptable to a computer that, when executed by a computer in actual or modified form, cause the computer to perform one or more computer operations. The term “computer program” shall include all associated procedures and documentation, whether or not such procedures and documentation are in human readable form.
- (5) “Data” includes any representation of information, intelligence, or data in any fixed medium, including documentation, computer printouts, magnetic storage media, punched cards, storage in a computer, or transmission by a computer network.

(6) “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, electromagnetic, photoelectronic, or photo-optical system that affects interstate or foreign commerce, but does not include:

- (A)** Any wire or oral communication;
- (B)** Any communication made through a tone-only paging device;
- (C)** Any communication from a tracking device; or
- (D)** Electronic funds transfer information stored by a financial institution in a communications system used for the electronic storage and transfer of funds.

(7) “Electronic communication service” means any service which provides to its users the ability to send or receive wire or electronic communications.

(8) “Electronic communications system” means any wire, radio, electromagnetic, photoelectronic, photo-optical, or facilities for the transmission of wire or electronic communications, and any computer facilities or related electronic equipment for the electronic storage of such communications.

(9) “Electronic means” is any device or apparatus which can be used to intercept a wire, oral, or electronic communication other than:

- (A)** Any telephone or telegraph instrument, equipment, or facility, or any component thereof,
 - (i)** Furnished to the subscriber or user by a provider of electronic communication service in the ordinary course of its business and used by the subscriber or user in the ordinary course of its business or furnished by such subscriber or user for connection to the facilities of such service and used in the ordinary course of its business; or
 - (ii)** Used by a provider of electronic communication service in the ordinary course of its business or by an investigative or law enforcement officer in the ordinary course of his or her duties; or
- (B)** A hearing aid or similar device being used to correct subnormal hearing to better than normal.

(10) “Electronic storage” means:

- (A)** Any temporary, intermediate storage of wire or electronic communication incidental to its electronic transmission; and
- (B)** Any storage of such communication by an electronic communication service for purposes of backup protection of such communication.

(11) “Financial instruments” includes any check, draft, money order, note, certificate of deposit, letter of credit, bill of exchange, credit or debit card, transaction-authorizing mechanism, or marketable security, or any computer representation thereof.

(12) “Law enforcement unit” means any law enforcement officer charged with the duty of enforcing the criminal laws and ordinances of the state or of the counties or municipalities of the state who is employed by and compensated by the state or any county or municipality of

the state or who is elected and compensated on a fee basis. The term shall include, but not be limited to, members of the Department of Public Safety, municipal police, county police, sheriffs, deputy sheriffs, and agents and investigators of the Georgia Bureau of Investigation.

(13) “Property” includes computers, computer networks, computer programs, data, financial instruments, and services.

(14) “Remote computing service” means the provision to the public of computer storage or processing services by means of an electronic communications system.

(15) “Services” includes computer time or services or data processing services.

(16) “Use” includes causing or attempting to cause:

(A) A computer or computer network to perform or to stop performing computer operations;

(B) The obstruction, interruption, malfunction, or denial of the use of a computer, computer network, computer program, or data; or

(C) A person to put false information into a computer.

(17) “Victim expenditure” means any expenditure reasonably and necessarily incurred by the owner to verify that a computer, computer network, computer program, or data was or was not altered, deleted, damaged, or destroyed by unauthorized use.

(18) “Without authority” includes the use of a computer or computer network in a manner that exceeds any right or permission granted by the owner of the computer or computer network.

History

Code 1981, § 16-9-92, enacted by Ga. L. 1991, p. 1045, § 1; Ga. L. 1992, p. 6, § 16; Ga. L. 2005, p. 199, § 3/SB 62.