

Utah Code Ann. § 76-6-703.3

Current through May 1, 2024 of the 2024 General Session.

Utah Code Annotated > Title 76 Utah Criminal Code (Chs. 1 — 10) > Chapter 6 Offenses Against Property (Pts. 1 — 14) > Part 7 Utah Computer Crimes Act (§§ 76-6-701 — 76-6-705)

76-6-703.3. Unlawful use of technology to defraud.

(1)

(a) As used in this section, “sensitive personal identifying information” means the same as that term is defined in Section 76-10-1801.

(b) Terms defined in Sections 76-1-101.5 and 76-6-702 apply to this section.

(2) An actor commits unlawful use of technology to defraud if the actor uses or knowingly allows another person to use a computer, computer network, computer property, or computer system, program, or software to devise or execute any artifice or scheme to defraud or to obtain money, property, a service, or other thing of value by a false pretense, promise, or representation.

(3) A violation of Subsection (2) is:

(a) a class B misdemeanor if the value of the money, property, service, or thing obtained or sought to be obtained is less than \$500;

(b) a class A misdemeanor if the value of the money, property, service, or thing obtained or sought to be obtained is or exceeds \$500 but is less than \$1,500;

(c) a third degree felony if the value of the money, property, service, or thing obtained or sought to be obtained is or exceeds \$1,500 but is less than \$5,000; or

(d) a second degree felony if:

(i) the value of the money, property, service, or thing obtained or sought to be obtained is or exceeds \$5,000; or

(ii) the object or purpose of the artifice or scheme to defraud is the obtaining of sensitive personal identifying information, regardless of the value.

(4)

(a) In accordance with 47 U.S.C. Sec. 230, this section may not apply to, and nothing in this section may be construed to impose liability or culpability on, an interactive computer service for content provided by another person.

(b) This section does not affect, limit, or apply to any activity or conduct that is protected by the constitution or laws of this state, or by the constitution or laws of the United States.

(5)

- (a) An interactive computer service is not guilty of violating this section if a person violates this section using the interactive computer service and the interactive computer service did not knowingly assist the person to commit the violation.
- (b) A service provider is not guilty of violating this section for:
- (i) action taken in relation to a customer of the service provider, for a legitimate business purpose, to install software on, monitor, or interact with the customer's Internet or other network connection, service, or computer for network or computer security purposes, authentication, diagnostics, technical support, maintenance, repair, network management, updates of computer software or system firmware, or remote system management; or
 - (ii) action taken, including scanning and removing computer software, to detect or prevent the following:
 - (A) unauthorized or fraudulent use of a network, service, or computer software;
 - (B) illegal activity; or
 - (C) infringement of intellectual property rights.

History

2023 ch. 111, § 107, effective May 3, 2023.

Utah Code Annotated
Copyright © 2024 All rights reserved.