

## La. R.S. § 14:73.12

Current through the 2024 First Extraordinary Session and Act 22 of the Second Extraordinary Session.  
Revisions of the Louisiana State Law Institute now current through all titles received as of February 1, 2024.

*LexisNexis® Louisiana Annotated Statutes > Louisiana Revised Statutes > Title 14. Criminal law (Chs. 1 — 3) > Chapter 1. Criminal code (Pts. 1 — 8) > Part 3. Offenses against property (Subpts. A — D) > Subpart C. By misappropriation without violence (§§ 14:67 — 14:73.13)*

### **§ 14:73.12. Trespass against state computers**

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**A.** It is unlawful for any person to knowingly or intentionally access, or to exceed authorized access of, a computer, computer server, computer program, computer service, computer software, internet-connected device, or computer system or program that is owned, operated, or utilized by the state of Louisiana, its contractors, or its political subdivisions, without authorization when it is done for any of the following purposes:

- (1)** Obtaining, seeking, utilizing, destroying, viewing, or affecting information that has been determined by the state of Louisiana to require protection against unauthorized disclosure for reasons of protecting public health, safety, welfare, or an ongoing law enforcement investigation.
- (2)** Willfully communicating, delivering, transmitting, or causing or threatening to communicate, deliver, or transmit information to any person not entitled to receive such information when the information has been determined by the state of Louisiana to require protection against unauthorized disclosure for reasons of protecting public health, safety, welfare, or an ongoing law enforcement investigation.
- (3)** Initiating a denial of service attack or introducing malicious or any type of destructive or harmful software or program that negatively affects or impacts such computers, computer servers, computer programs, computer services, computer software, internet-connected devices or computer systems or programs.

**B.** Information, documents, or records deemed confidential or not subject to disclosure or inspection under R.S. 44.1 et seq., shall be considered information that has been determined by the state of Louisiana to require protection against unauthorized disclosure for reasons of protecting the public health, safety, welfare, or an ongoing law enforcement investigation under Paragraphs (A)(1) and (2) of this Section.

**C.**

- (1)** Any person convicted of a first offense of Paragraph (A)(1) of this Section shall be subject to a fine of not more than three thousand dollars, imprisonment, with or without hard labor, for not more than three years, or both.

**(2)** Any person convicted of a first offense of Paragraph (A)(2) or (3) of this Section shall be subject to a fine of not more than five thousand dollars, imprisonment, with or without hard labor, for not more than three years, or both.

**(3)** Any person convicted of a second or subsequent offense of Subsection A of this Section shall be subject to a fine of not more than ten thousand dollars, imprisonment, with or without hard labor, for not more than five years, or both.

**(4)** Except as provided in Subsection D of this Section, in addition to the penalties provided in Paragraphs (C)(1) and (2) of this Subsection, the following property of any individual who is convicted of trespass against state computers shall be subject to forfeiture to the state of Louisiana and no property rights shall exist therein:

**(a)** Any movable property used or intended to be used to commit or to facilitate the commission of any violation of this Section, or conspiracy to commit a violation of this Section.

**(b)** Any property, movable or immovable, which constitutes or is derived from proceeds traceable to any violation of this Section, or a conspiracy to commit a violation of this Section.

**(c)** When property is forfeited under the provisions of this Paragraph, the district attorney shall authorize a public sale or a public auction conducted by a licensed auctioneer, without appraisal, of that which is not required by law to be destroyed and which is not harmful to the public.

**(d)** The proceeds of the public sale or public auction shall pay the costs of the public sale or public auction, court costs, and fees related to the seizure and storage of the property. Any proceeds remaining shall be distributed by the district attorney in the following manner:

**(i)** Thirty percent to the seizing agency or agencies in an equitable manner.

**(ii)** Twenty percent to the prosecuting agency.

**(iii)** Twenty percent to the criminal court fund of the parish in which the offender was prosecuted.

**(iv)** Thirty percent to the public defender in the jurisdiction in which the offender was prosecuted.

**D.**

**(1)** Any property seized pursuant to the provisions of Paragraph (C)(4) of this Section shall be exempt from forfeiture and sale if it was stolen or if the possessor of the property was not the owner and the owner did not know that the personal property was being used in the violation of the provisions of this Section. If the exemption provided by this Subsection is applicable, the property shall not be released until such time as all applicable fees related to its seizure and storage are paid. However, an internet service provider shall not be required to pay seizure or storage fees to secure the release of equipment leased to an offender.

**(2)**

**(a)** Property subject to forfeiture pursuant to the provisions of Paragraph (C)(4) of this Section shall be exempt from forfeiture and sale when a spouse, co-owner, or interest holder in the property establishes by sworn affidavit executed before a notary public the following:

**(i)** That he had no knowledge of the commission of the criminal conduct and could not have reasonably known of the conduct.

**(ii)** That he did not consent to the use of property in the commission of the criminal conduct.

**(iii)** That he owns an interest in the property otherwise subject to forfeiture.

**(b)** Intentionally falsifying the affidavit information required by the provisions of this Paragraph shall subject the affiant to prosecution under the provisions of R.S. 14:125.

**(3)** The property of an internet service provider shall be exempt from forfeiture.

**(4)** Any property seized pursuant to the provisions of Paragraphs (C)(4) of this Section shall be exempt from sale if it is subject to a lien, security interest, or mortgage recorded prior to the date of the offense and if the applicable fees related to the property's seizure and storage are paid by a holder of a valid lien, security interest, or mortgage.

## History

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Acts 2019, No. 292, § 1, effective August 1, 2019.

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