

Tenn. Code Ann. § 39-14-601

Current through Chapter 900, with the exception of Chapter 688 secs 79, 80, and 83, of the 2024 Regular Session. The commission may make editorial changes to this version and may relocate or redesignate text.

Those changes will appear on Lexis Advance after the publication of the certified volumes and supplements. Pursuant to TCA sections 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code. Until the annual issuance of the certified volumes and supplements, references to the updates made by the most recent legislative session should be to the Public Chapter and not TCA.

TN - Tennessee Code Annotated > Title 39 Criminal Offenses > Chapter 14 Offenses Against Property > Part 6 Tennessee Personal and Commercial Computer Act of 2003

39-14-601. Part definitions.

As used in this part, unless the context otherwise requires:

- (1) “Access” means to approach, instruct, communicate, or connect with, store data in, retrieve or intercept data from, or otherwise make use of any resources of a computer, computer system, or computer network, or information exchanged from any communication between computers or authorized computer users and electronic, electromagnetic, electrochemical, acoustic, mechanical, or other means;
- (2) “Authorization” means any and all forms of consent, including both implicit and explicit consent;
- (3) “Computer” means a device or collection of devices, including its support devices, peripheral equipment, or facilities, and the communication systems connected to it which can perform functions including, but not limited to, substantial computation, arithmetic or logical operations, information storage or retrieval operations, capable of being used with external files, one (1) or more operations which contain computer programs, electronic instructions, allows for the input of data, and output data (such operations or communications can occur with or without intervention by a human operator during the processing of a job);
- (4) “Computer contaminants” means any set of computer instructions that are designed to modify or in any way alter, damage, destroy, or disrupt the proper operation of a computer system, or computer network without the intent or authorization of the owner of the information. They include, but are not limited to, a group of computer instructions commonly called viruses or worms, which are self-replicating or self-propagating and are designed to contaminate other computer programs or computer data, consume computer resources, modify, destroy, record or transmit data, or in some other fashion usurp the normal operation of the computer, computer system, or computer network. Such contaminants may include viruses or worms, which terms shall have the following meanings:

- (A) “Virus” means a migrating program which, at least, attaches itself to the operating system of any computer it enters and can infect any other computer that has access to an “infected” computer; and
- (B) “Worm” means a computer program or virus that spreads and multiplies, eventually causing a computer to “crash” or cease functioning, but does not attach itself to the operating system of the computer it “infects”;
- (5) “Computer network” means a set of two (2) or more computer systems that transmit data over communication circuits connecting them, and input/output devices including, but not limited to, display terminals and printers, which may also be connected to telecommunication facilities;
- (6) “Computer program” means an ordered set of data that are coded instructions or statements that, when executed by a computer, cause the computer to process data;
- (7) “Computer software” means a set of computer programs, procedures, and associated documentation concerned with the operation of a computer, computer system, or computer network whether imprinted or embodied in the computer in any manner or separate from it, including the supporting materials for the software and accompanying documentation;
- (8) “Computer system” means a set of connected devices including a computer and other devices including, but not limited to, one (1) or more of the following: data input, output, or storage devices, data communication circuits, and operating system computer programs that make the system capable of performing data processing tasks;
- (9) “Data” means a representation of information, knowledge, facts, concepts, or instructions which is being prepared or has 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;
- (10) “Electronic mail service provider” means any person who:
- (A) Is an intermediary in sending or receiving electronic mail; and
 - (B) Provides to end-users of electronic mail services the ability to send or receive electronic mail;
- (11) “Financial instrument” includes, but is not limited to, any check, cashier's check, draft, warrant, money order, certificate of deposit, negotiable instrument, letter of credit, bill of exchange, credit card, debit card, marketable security, or any computer system representation thereof;
- (12) “Input” means data, facts, concepts, or instructions in a form appropriate for delivery to, or interpretation or processing by, a computer;
- (13) “Intellectual property” includes data, which may be in any form including, but not limited to, computer printouts, magnetic storage media, punched cards, or may be stored internally in the memory of a computer;
- (14) “Local exchange company” includes telecommunications service providers as defined in § 65-4-101; competing telecommunications service providers as such term is defined in § 65-

4-101; telephone cooperatives; cellular or other wireless telecommunications providers; and interactive computer service providers as defined in 47 U.S.C. § 230(f);

(15) “Output” means data, facts, concepts or instructions produced or retrieved by computers from computers or computer memory storage devices;

(16) “Owner” means an owner or lessee of a computer or a computer network, or an owner, lessee or licensee of computer data, computer programs, or computer software;

(17) “Property” shall include:

(A) Real property;

(B) Computers and computer networks; and

(C) Financial instruments, computer data, computer programs, computer software, and all other personal property regardless of whether they are:

(i) Tangible or intangible;

(ii) In a format readable by humans or by a computer;

(iii) In transit between computers or within a computer network or between any devices which comprise a computer; or

(iv) Located on any paper or in any device in which it is stored by a computer or by a human;

(18) “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;

(19) “System hacker” means any person who knowingly accesses and without authorization alters, damages, deletes, destroys, or otherwise uses any data, computer, computer system, or computer network; and

(20) “To process” means to use a computer to put data through a systematic sequence of operations for the purpose of producing a specified result.

History

Acts 1989, ch. 591, § 1; 1993, ch. 445, § 1; 2003, ch. 317, § 2.

TENNESSEE CODE ANNOTATED

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