

**RSA 638:17**

Statutes current through Chapter 8 of the 2024 Regular Session.

*LEXIS™ New Hampshire Revised Statutes Annotated > Title LXII Criminal Code (Chs. 625 — 651-F) > Chapter 638 Fraud (§§ 638:1 — 638:29) > Computer Crime (§§ 638:16 — 638:19)*

**638:17. Computer related offenses.**

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**I.** A person is guilty of the computer crime of unauthorized access to a computer or computer network when, knowing that the person is not authorized to do so, he or she knowingly accesses or causes to be accessed any computer or computer network without authorization. It shall be an affirmative defense to a prosecution for unauthorized access to a computer or computer network that:

- (a) The person reasonably believed that the owner of the computer or computer network, or a person empowered to license access thereto, had authorized him or her to access; or
- (b) The person reasonably believed that the owner of the computer or computer network, or a person empowered to license access thereto, would have authorized the person to access without payment of any consideration; or
- (c) The person reasonably could not have known that his or her access was unauthorized.

**II.** A person is guilty of the computer crime of theft of computer services when he or she knowingly accesses or causes to be accessed or otherwise uses or causes to be used a computer or computer network with the purpose of obtaining unauthorized computer services.

**III.** A person is guilty of the computer crime of interruption of computer services when the person, without authorization, knowingly or recklessly disrupts or degrades or causes the disruption or degradation of computer services or denies or causes the denial of computer services to an authorized user of a computer or computer network.

**IV.** A person is guilty of the computer crime of misuse of computer or computer network information when:

- (a) As a result of his or her accessing or causing to be accessed a computer or computer network, the person knowingly makes or causes to be made an unauthorized display, use, disclosure, or copy, in any form, of data residing in, communicated by, or produced by a computer or computer network; or
- (b) The person knowingly or recklessly and without authorization:
  - (1) Alters, deletes, tampers with, damages, destroys, or takes data intended for use by a computer or computer network, whether residing within or external to a computer or computer network; or

- (2) Intercepts or adds to data residing within a computer or computer network; or
- (c) The person knowingly receives or retains data obtained in violation of subparagraph (a) or (b) of this paragraph; or
- (d) The person knowingly uses or discloses any data he or she knows or believes was obtained in violation of subparagraph (a) or (b) of this paragraph.

**V.** A person is guilty of the computer crime of destruction of computer equipment when he or she, without authorization, knowingly or recklessly tampers with, takes, transfers, conceals, alters, damages, or destroys any equipment used in a computer or computer network, or knowingly or recklessly causes any of the foregoing to occur.

**VI.** A person is guilty of the computer crime of computer contamination if such person knowingly introduces, or causes to be introduced, a computer contaminant into any computer, computer program, or computer network which results in a loss of property or computer services.

## History

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1985, 139:1, eff. Jan. 1, 1986; 2002, 261:2, eff. Jan. 1, 2003.

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