

Burns Ind. Code Ann. § 35-43-2-3

Current through P.L. 4-2024 of the Second Regular Session of the 123rd General Assembly.

Burns' Indiana Statutes Annotated > Title 35 Criminal Law and Procedure (Arts. 1 — 52) > Article 43 Offenses Against Property (Chs. 1 — 10) > Chapter 2 Burglary — Trespass (§§ 35-43-2-0.1 — 35-43-2-3)

35-43-2-3. Computer trespass — Computer merchandise hoarding — Unlawful distribution of a hoarding program.

(a) As used in this section:

“Access” means to:

- (1) approach;
- (2) instruct;
- (3) communicate with;
- (4) store data in;
- (5) retrieve data from; or
- (6) make use of resources of;

a computer, computer system, or computer network.

“Computer network” means the interconnection of communication lines or wireless telecommunications with a computer or wireless telecommunication device through:

- (1) remote terminals;
- (2) a complex consisting of two (2) or more interconnected computers; or
- (3) a worldwide collection of interconnected networks operating as the Internet.

“Computer system” means a set of related computer equipment, software, or hardware.

“Hoarding program” means a computer program designed to bypass or neutralize a security measure, access control system, or similar system used by the owner of a computer network or computer system to limit the amount of merchandise that one (1) person may purchase by means of a computer network.

(b) A person who knowingly or intentionally accesses:

- (1) a computer system;
- (2) a computer network; or
- (3) any part of a computer system or computer network;

without the consent of the owner of the computer system or computer network, or the consent of the owner's licensee, commits computer trespass, a Class A misdemeanor.

(c) A person who knowingly or intentionally uses a hoarding program to purchase merchandise by means of a computer network commits computer merchandise hoarding, a Class C infraction. A person commits a separate infraction for each item of merchandise purchased. However, the violation is a Class A misdemeanor if the person has a prior unrelated adjudication or conviction for a violation of this section within the previous five (5) years. It is a defense to a prosecution under this subsection that the person used the hoarding program with the permission of the person selling the merchandise.

(d) A person who knowingly or intentionally sells, purchases, or distributes a hoarding program commits unlawful distribution of a hoarding program, a Class C infraction. A person commits a separate infraction for each sale, purchase, or distribution of a hoarding program. However, the violation is a Class C misdemeanor if the person has a prior unrelated adjudication or conviction for a violation of this section within the previous five (5) years. It is a defense to a prosecution under this subsection that the hoarding program was sold, purchased, or distributed for legitimate scientific or educational purposes.

History

P.L.35-1986, § 3; P.L.29-2001, § 1; P.L.79-2009, § 1, eff. July 1, 2009; P.L.32-2019, § 28, effective July 1, 2019.