

Utah Code Ann. § 76-6-703.7

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)

76-6-703.7. Unlawful computer access.

- (1) Terms defined in Sections 76-1-101.5 and 76-6-702 apply to this section.
- (2) An actor commits unlawful computer access if:
 - (a) the actor intentionally or knowingly, and without authorization, gains or attempts to gain access to a computer, computer network, computer property, or computer system; and
 - (b) the circumstances of the violation of Subsection (2)(a) do not constitute an offense under Section 76-6-703, 76-6-703.1, 76-6-703.3, or 76-6-703.5.
- (3) A violation of Subsection (2) is a class B misdemeanor.
- (4)
 - (a) Notwithstanding Subsection (2), a retailer that uses an electronic product identification or tracking system, or other technology, to identify, track, or price goods is not guilty of a violation of this section if the equipment designed to read the electronic product identification or tracking system data and used by the retailer to identify, track, or price goods is located within the retailer's location.
 - (b) It is an affirmative defense to a violation under this section that the actor obtained access or attempted to obtain access:
 - (i) in response to, and for the purpose of protecting against or investigating, a prior attempted or successful breach of security of computer technology whose security the actor is authorized or entitled to protect, and the access attempted or obtained was no greater than reasonably necessary for that purpose; or
 - (ii) pursuant to a search warrant or a lawful exception to the requirement to obtain a search warrant.
 - (c) 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.
 - (d) 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 an actor violates this section using the interactive computer service and the interactive computer service did not knowingly assist the actor 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, § 109, effective May 3, 2023.

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