

Miss. Code Ann. § 97-45-3

Current with 2024 1st and 2nd Extraordinary Sessions and Regular Session legislation signed by the Governor and effective upon passage through April 15, 2024, not including changes and corrections made by the Joint Legislative Committee on Compilation, Revision and Publication of Legislation.

Mississippi Code 1972 Annotated > Title 97. Crimes (Chs. 1 — 47) > Chapter 45. Computer Crimes and Identity Theft (§§ 97-45-1 — 97-45-33)

§ 97-45-3. Computer fraud; penalties.

(1) Computer fraud is the accessing or causing to be accessed of any computer, computer system, computer network or any part thereof with the intent to:

(a) Defraud;

(b) Obtain money, property or services by means of false or fraudulent conduct, practices or representations; or through the false or fraudulent alteration, deletion or insertion of programs or data; or

(c) Insert or attach or knowingly create the opportunity for an unknowing and unwanted insertion or attachment of a set of instructions or a computer program into a computer program, computer, computer system, or computer network, that is intended to acquire, alter, damage, delete, disrupt, or destroy property or otherwise use the services of a computer program, computer, computer system or computer network.

(2) Whoever commits the offense of computer fraud when the damage or loss or attempted damage or loss amounts to a value of less than One Thousand Dollars (\$1,000.00) may be punished, upon conviction, by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than six (6) months in the county jail, or by both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding Two Thousand Dollars (\$2,000.00), or both.

(3) Whoever commits the offense of computer fraud when the damage or loss or attempted damage or loss amounts to a value of One Thousand Dollars (\$1,000.00) or more but less than Five Thousand Dollars (\$5,000.00), may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.

(4) Whoever commits the offense of computer fraud when the damage or loss or attempted damage or loss amounts to a value of Five Thousand Dollars (\$5,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00), may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than ten (10) years, or by both such fine and imprisonment.

(5) Whoever commits the offense of computer fraud when the damage or loss or attempted damage or loss amounts to a value of Twenty-five Thousand Dollars (\$25,000.00) or more, may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than twenty (20) years, or by both such fine and imprisonment.

(6) The definition of the term “computer network” includes the Internet, as defined in Section 230 of Title II of the Communications Act of 1934, Chapter 652, 110 Stat. 137, codified at 47 USCS 230.

History

Laws, 1985, ch. 319, § 2; Laws, 2003, ch. 562, § 5; Laws, 2013, ch. 367, § 1; Laws, 2014, ch. 457, § 31, eff from and after July 1, 2014.

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