

## **R.I. Gen. Laws § 11-52.2-1**

Current through Chapter 24 of the 2024 Session

*General Laws of Rhode Island > Title 11 Criminal Offenses (Chs. 1 — 70) > Chapter 52.2 Software Fraud (§§ 11-52.2-1 — 11-52.2-8)*

### **11-52.2-1. Definitions.**

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As used in this chapter:

- (1) “Advertisement” means a communication, the purpose of which is the promotion of a commercial product or service, including a communication on an internet website that is operated for a commercial purpose.
- (2) “Computer software” means a sequence of instructions written in any programming language that is executed on a computer. “Computer software” does not include computer software that is a web page, or are data components of web pages that are not executable independently of the web page.
- (3) “Computer virus” means a computer program or other set of instructions that is designed to degrade the performance of or disable a computer or computer network and is designed to have the ability to replicate itself on other computers or computer networks without the authorization of the owners of those computers or computer networks.
- (4) “Damage” means any significant impairment to the integrity or availability of data, computer software, a system, or information.
- (5) “Execute” means the performance of the functions or the carrying out of the instructions of the computer software.
- (6) “Intentionally deceptive” means any of the following:
  - (a) An intentionally and materially false or fraudulent statement;
  - (b) A statement or description that intentionally omits or misrepresents material information in order to deceive an owner or operator; and
  - (c) An intentional and material failure to provide any notice to an owner or operator regarding the installation or execution of computer software in order to deceive the owner or operator.
- (7) “Internet” means the global information system that is logically linked together by a globally unique address space based on the internet protocol (IP), or its subsequent extensions, and that is able to support communications using the transmission control protocol/internet protocol (TCP/IP) suite, or its subsequent extensions, or other IP-compatible protocols, and

that provides, uses, or makes accessible, either publicly or privately, high level services layered on the communications and related infrastructure described in this subsection.

**(8)** “Owner or operator” means the owner or lessee of a computer, or someone using such computer with the owner’s or lessee’s authorization. “Owner or operator” does not include any person who owns a computer before the first retail sale of such computer.

**(9)** “Person” means any individual, partnership, corporation, limited liability company, or other organization, or any combination thereof.

**(10)** “Personally identifiable information” means any of the following with respect to an individual who is an owner or operator:

- (a)** First name or first initial in combination with last name;
- (b)** A home or other physical address including street name;
- (c)** An electronic mail address;
- (d)** A credit or debit card number, bank account number, or a password or access code associated with a credit or debit card or bank account;
- (e)** Social security number, tax identification number, driver’s license number, passport number, or any other government-issued identification number; and
- (f)** Any of the following information in a form that personally identifies an owner or operator:
  - (i)** Account balances;
  - (ii)** Overdraft history; and
  - (iii)** Payment history.

**(11)** “Transmit” means to transfer, send, or make available computer software, or any component thereof, via the internet or any other medium, including local area networks of computers, other nonwire transmission, and disc or other data storage device. “Transmit” does not include any action by a person providing:

- (a)** The internet connection, telephone connection, or other means of transmission capability such as a compact disk or digital video disk through which the software was made available; or
- (b)** The storage or hosting of the software program or a web page through which the software was made available.

## History

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P.L. 2006, ch. 583, § 1.

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