

ENROLLED ACT NO. 48, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2014 BUDGET SESSION

AN ACT relating to offenses against computer property; creating the criminal offense of computer trespass; specifying elements of the offense and penalties; providing a civil cause of action for computer trespass; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** W.S. 6-3-506 and 40-25-101 are created to read:

**6-3-506. Computer trespass; penalties.**

(a) A person commits a computer trespass if he knowingly, with intent to damage or cause the malfunction of the operation of a computer, computer system or computer network and without authorization transfers or sends electronically into a computer, computer system or computer network or causes to be transferred or sent electronically into a computer, computer system or computer network any malware, or other data, program or other information which alters, damages or causes the malfunction of the operation of the computer, computer system or computer network or which causes the computer, computer system or computer network to disseminate sensitive information.

(b) A computer trespass is:

(i) A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if the resulting damages are less than ten thousand dollars (\$10,000.00);

(ii) A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten

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thousand dollars (\$10,000.00), or both, if the resulting damages are ten thousand dollars (\$10,000.00) or more.

(c) Common carriers, internet service providers or other persons who supply the internet services over which the content is delivered shall not be prosecuted for violations under this section resulting from the acts of another.

(d) For purposes of this section, "malware" means, but is not limited to, viruses, worms, trojan horses, rootkits, keyloggers, backdoors, dialers, ransomware, spyware, adware, malicious browser helper objects, rogue security software and other malicious programs used or designed to disrupt a computer operation, gather sensitive information, steal sensitive information or otherwise gain unauthorized access to a computer, computer system or computer network.

ARTICLE 25  
COMPUTER TRESPASS

**40-25-101. Computer trespass.**

(a) A person commits a civil trespass if he, with intent to damage or cause the malfunction of the operation of a computer, computer system or computer network, transfers or sends electronically into a computer, computer system or computer network of another or causes to be transferred or sent electronically into a computer, computer system or computer network of another any data, program or other information which alters, damages or causes the malfunction of the operation of the computer, computer system or computer network and the act was done

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without authority of the owner or lawful possessor of the computer, computer system or computer network.

(b) A person who suffers damage or loss by reason of a trespass under this section shall have a cause of action against the trespasser for all damages incurred, including any damages to the person's computer, computer system or computer network and any costs incurred by the person for services that could not be utilized as a result of the trespass. In a civil action brought under this section, in addition to damages, the injured claimant may be awarded the costs of litigation together with the reasonably necessary cost of identifying the trespasser, of obtaining effective service of process on the trespasser and of successfully effecting collection of the award from the person who perpetrated the trespass and from the person who caused the trespass.

(c) The definitions provided in W.S. 6-3-501 shall be applicable to this section.

(d) Common carriers, internet service providers or other persons who supply the internet services over which the content is delivered shall not be liable for damages or losses under this section resulting from the acts of another.

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**Section 2.** This act is effective July 1, 2014.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk