

West's Annotated Mississippi Code

Title 97. Crimes

Chapter 45. Computer Crimes and Identity Theft (Refs & Annos)

Miss. Code Ann. § 97-45-3

§ 97-45-3. Fraud

Currentness

(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](#).

Credits

Laws 1985, Ch. 319, § 2, eff. July 1, 1985. Amended by [Laws 2003, Ch. 562, § 5, eff. July 1, 2003](#); [Laws 2013, Ch. 367 \(H.B. 686\), § 1, eff. July 1, 2013](#); [Laws 2014, Ch. 457 \(H.B. No. 585\), § 31, eff. July 1, 2014](#).

Miss. Code Ann. § 97-45-3, MS ST § 97-45-3

The Statutes and Constitution are current through the End of the 2016 First Extraordinary Session and laws from the 2016 Regular Session effective upon passage as approved through April 4, 2016. The statutes are subject to changes provided by the Joint Legislative Committee on Compilation, Revision and Publication of Legislation.
