

13-39-301 Criminal penalty.

- (1) A person who violates Section 13-39-202 commits a computer crime and:
 - (a) is guilty of a class B misdemeanor for a first offense with respect to a contact point registered with the division under Subsection 13-39-201(3)(a); and
 - (b) is guilty of a class A misdemeanor:
 - (i) for each subsequent violation with respect to a contact point registered with the division under Subsection 13-39-201(3)(a); or
 - (ii) for each violation with respect to a domain name registered with the division under Subsection 13-39-201(3)(b).
- (2) A person commits a computer crime and is guilty of a second degree felony if the person:
 - (a) uses information obtained from the division under this chapter to violate Section 13-39-202;
 - (b) improperly:
 - (i) obtains contact points from the registry; or
 - (ii) attempts to obtain contact points from the registry; or
 - (c) uses, or transfers to a third party to use, information from the registry to send a solicitation.
- (3) A criminal conviction or penalty under this section does not relieve a person from civil liability in an action under Section 13-39-302.
- (4) Each communication sent in violation of Section 13-39-202 is a separate offense under this section.

Enacted by Chapter 338, 2004 General Session