

**13-40-201 Phishing and pharming.**

- (1) A person is guilty of phishing if, with intent to defraud or injure an individual, or with knowledge that the person is facilitating a fraud or injury to be perpetrated by another:
  - (a) the person makes a communication under false pretenses purporting to be by or on behalf of a legitimate business, without the authority or approval of the legitimate business; and
  - (b) the person uses the communication to induce, request, or solicit another person to provide identifying information or property.
- (2) A person is guilty of pharming if, with intent to defraud or injure another, or with knowledge that the person is facilitating a fraud or injury to be perpetrated by another, the person:
  - (a) creates or operates a webpage that represents itself as belonging to or being associated with a legitimate business, without the authority or approval of the legitimate business, if that webpage may induce any user of the Internet to provide identifying information or property; or
  - (b) alters a setting on a user's computer or similar device or software program through which the user may search the Internet, causing any user of the Internet to view a communication that represents itself as belonging to or being associated with a legitimate business, if the message has been created or is operated without the authority or approval of the legitimate business and induces, requests, or solicits any user of the Internet to provide identifying information or property.

Repealed and Re-enacted by Chapter 200, 2010 General Session