

77-23b-2 Interference with access to stored communication -- Offenses -- Penalties.

- (1) Except under Subsection (3), a person who obtains, alters, or prevents authorized access to a wire or electronic communication while it is in electronic storage in the system shall be punished under Subsection (2) if he:
 - (a) intentionally accesses without authorization a facility through which an electronic communications service is provided; or
 - (b) intentionally exceeds an authorization to access that facility.
- (2) A person who commits a violation of Subsection (1) is:
 - (a) if the offense is committed for purposes of commercial advantage, malicious destruction, or damage, or private commercial gain, guilty of a:
 - (i) third degree felony for the first offense under this subsection; and
 - (ii) second degree felony for any subsequent offense; and
 - (b) class B misdemeanor in any other case.
- (3) Subsection (1) does not apply to conduct authorized:
 - (a) by the person or entity providing a wire or electronic communications service;
 - (b) by a user of that service with respect to a communication of or intended for that user; or
 - (c) under Sections 77-23a-10, 77-23b-4, and 77-23b-5.

Amended by Chapter 241, 1991 General Session