

Guide To Computer Crimes

Penal Code § 502: Computer Access Crimes*

- 502(c)(1) - **illegal access w/ damage to defraud** (wobbler)
 - 502(c)(2) - **illegal access to take/use data** (wobbler)
 - 502(c)(3) - **illegal access to use services** (1st = misd)
 - 502(c)(4) - **illegal access tampering with data** (wobbler)
 - 502(c)(5) - **tampering with services** (wobbler)
 - 502(c)(6) - **helping unauthorized user** (> \$5000 = felony)
 - 502(c)(7) - **simple illegal access** (misd.)
 - 502(c)(8) - **introducing contaminant** (misd.; (c)(1) = felony)
 - 502(c)(9) - **using domain name w/o permission** (misd.)
- *note scope of employment and \$100 value exception*

Penal Code § 530.5: Identity Thefts

- 530.5(a) - **Using Personal Info For Unlawful Purpose** (wobbler)
 - 530.5(b) - **Acquiring Personal Info w/ Intent** (misd.)
 - 530.5(d) - **Obtaining Personal Info** (misd.)
 - 530.6 - Officer must take a report of ID theft
 - 530.8 - Victim's Rights (victim entitled to receive info related to the identity theft after submitting police report).
 - 529 - **False Personation** (wobbler)
 - 529a - **Making/Selling False Birth Certif.** (wobbler)
 - 529.5 - **Making/Selling False Govt IDs** (misd.)
 - 529.7 - **Obtaining False DMV Document** (misd.)
- see P.C. 786 for jurisdiction in ID Theft cases*

Penal Code §§ For Computer-Related Sex Crimes

- 207(b) - **Kidnapping** if enticing < 14 to 288 (8 yrs)
- 278.5 - **Child Abduction** (wobbler)
- 288.2 - **Distrib of Lewd Material to Minor** (wobbler)
- 422 - **Terrorist Threats** (wobbler) usually 646.9 too
- 646.9 - **Stalking** (wobbler; w/ TRO = 4 yrs; w/ prior = 5 yrs)
- 653m - **Harassing Phone Calls** email, etc. (misd.)

- 311.1 - **Poss'n w/ Intent to Distrib Child Porn** (wobbler)
- 311.2(a) - **Poss'n w/ Intent to Distrib "Obscene"** (1st=misd.)
- 311.2(b) - **Poss'n of CP w/ Commercial Intent** (2-3-6)
- 311.2(c) - **Possn w/ Intent to Distrib CP to Adult** (1st = misd.)
- 311.2(d) - **Poss'n w/ Intent to Distrib CP to Minor** (16-2-3)
- 311.3 - **Exchanging Film of Child Porn** (1st = misd.)
- 311.4(a) - **Using a Minor to Distribute CP** (1st = misd.)
- 311.4(b) - **Posing a Minor for CP Commercially** (3-6-8)
- 311.4(c) - **Using a minor to pose for CP** (felony)
- 311.10 - **Advertising CP For Sale/Distrib**(2-3-4)
- 311.11 - **Simple Poss'n of CP** (1st = misd; 2nd = 2-4-6)

Penal Code Enhancements & Additional Terms

- 186.11 - (2-3-5) if 2+ felonies & pattern of theft > \$500,000 (on top of 12022.6)
- 502.01 - Forfeiture of computer equipment used in commission of crime
- 1203.044 - PSP if > \$50,000 in one transaction & prior 12022.6; PSP > \$100,000; 10 yrs prob.
- 1203.045 - PSP > \$100,000 loss to victim (includes costs incurred)
- 1203.047 - 3 yr min. prob; no employment w/ connected computer if 502 (c) conviction
- 1203.048 - PSP if > \$100,000 loss in 502(c) conviction
- 12022.6 - 1 yr if aggregate losses > \$50,000; 2 yrs > \$100,000; 3 yrs > \$1,000,000; 4 yrs > \$2,500,000
- 2702 - prisoner convicted of 502 shall not have any computer access

Penal Code § 470: Forgeries and Frauds

- 350 - **Counterfeit Trademark** retail value (wobbler)
- 368 - **Elder Fraud** (2-3-4 > \$400)
- 470 - **Forgery of Check** no \$400 min (wobbler)
- 470a - **Forgery of Driver's License** (misd.)
- 470b - **Possn of Forged DL to Commit 470** (wobbler)
- 472 - **Counterfeit Government Seal** (wobbler)
- 475 - **Poss'n of Unfinished or False Checks** (wobbler)
- 476 - **Making/Passing Fictitious Check** (wobbler)
- 113 - **Making/Selling False Citizenship Docs** (5 years)
- 483.5 - **Deceptive ID Document** (wobbler)

Penal Code § 484: Thefts

- 484e - Acquiring Access Cards
 - 484e(a) **Selling Access Card** (wobbler)
 - 484e(b) **Acquiring 4+ in 1 yr** (wobbler)
 - 484e(c) **Acquiring w/ intent to use** (misd.)
 - 484e(d) **Acq'g info w/ intent to use** (wobbler)
- 484f - **Forging Signature of Card Holder** (wobbler)
- 484g - **Using Access Card/Acct Info** (wobbler per value)
- 484i - **Counterfeit Access Card**
 - 484i(a) **possession with intent to use** (misd.)
 - 484i(b) **modification of card** (wobbler)
 - 484i(c) **making/selling false card** (wobbler)
- 484j - **Publication of Access Card Number** (misd.)
- 487 - **Grand Theft** of components (wobbler per value)
- 496 - **Possession of Stolen Property** (wobbler)
- 499c - **Theft of Trade Secrets** (wobbler)

Miscellaneous Penal Code §§ For Computer-Related Crimes

- 146e - **Disclosing Officer's home info w/ harm intent** (misd.)
- 478 - **Counterfeit Currency** (2-3-4)
- 480 - **Computer To Make Counterfeit \$** (2-3-4)
- 502.6 - **Possession/Use of scanner/re-encoder** (misd.)
- 502.7 - **Telephone Service Fraud** (wobbler) – no min amt
- 502.8 - **Cellular Phone Fraud** (misd. but felony under 502.7)
- 535 - **Mock Auction** (wobbler)
- 591.5 - **Destruction of Wireless Used to Call Police** (misd.)
- 593d/e - **Satellite and Television Fraud** (misd.; sales = felony)
- 629.84 - **Wiretap law violation** (wobbler)
- 632 - **Recording Confid. Commun.** (wobbler) includes sex
- 632.5 - **Intercepting Cellular Phone Calls** (wobbler)
- 632.6 - **Intercepting Cordless Phone Calls** (wobbler)
- 637.7 - **Invasion of Privacy By Electronic Device** (misd.)
- 647(k)(2) - **Camera to Record Under/Through Clothing** (misd.)
- 648 - **Making/Passing Counterfeit Bill/Ticket** (1st = misd.)