113th CONGRESS 1st Session

> To amend title 18, United States Code, to provide for clarification as to the meaning of access without authorization, and for other purposes.

## IN THE SENATE OF THE UNITED STATES

Mr. WYDEN introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

## A BILL

- To amend title 18, United States Code, to provide for clarification as to the meaning of access without authorization, and for other purposes.
  - 1 Be it enacted by the Senate and House of Representa-
  - 2 tives of the United States of America in Congress assembled,

## **3** SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Aaron's Law Act of5 2013".

1	SEC. 2. CLARIFYING THAT "ACCESS WITHOUT AUTHORIZA-
2	TION" UNDER 18 U.S.C. 1030 MEANS CIR-
3	CUMVENTION OF TECHNOLOGICAL BAR-
4	RIERS IN ORDER TO GAIN UNAUTHORIZED
5	ACCESS.
6	(a) IN GENERAL.—Section 1030(e)(6) of title 18,
7	United States Code, is amended by—
8	(1) striking "exceeds authorized access" and all
9	that follows; and
10	(2) inserting the following: " 'access without
11	authorization' means—
12	"(A) to obtain information on a protected
13	computer;
14	"(B) that the accesser lacks authorization
15	to obtain; and
16	"(C) by knowingly circumventing one or
17	more technological or physical measures that
18	are designed to exclude or prevent unauthorized
19	individuals from obtaining that information;".
20	(b) Conforming Amendment.—Section 1030 of
21	title 18, United States Code, is amended—
22	(1) in subsection $(d)(10)$ , by striking "unau-
23	thorized access, or exceeding authorized access, to
24	a" and inserting "access without authorization of a
25	protected"; and

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<ul> <li>2 each place it appears.</li> <li>3 SEC. 3. ELIMINATING REDUNDANCY.</li> <li>4 Section 1030(a)(4) of title 18, United States Code,</li> <li>5 is repealed.</li> <li>6 SEC. 4. MAKING PENALTIES PROPORTIONAL TO CRIMES.</li> <li>7 (a) Section 1030(c)(2) of title 18, United States Code</li> <li>8 is amended—</li> <li>9 (1) in subparagraph (A)—</li> <li>10 (A) by striking "conviction for another"</li> <li>11 and inserting "subsequent"; and</li> <li>12 (B) by inserting "such" after "attempt to</li> <li>13 commit";</li> <li>14 (2) in subparagraph (B)(i), by inserting after</li> <li>15 "financial gain" the following: "and the fair market</li> <li>16 value of the information obtained exceeds \$5,000";</li> <li>17 (3) in subparagraph (B)(ii), by striking "the of-</li> <li>18 fense was committed" and all that follows through</li> <li>19 the semicolon, and inserting the following: "the of-</li> <li>20 fense was committed in furtherance of any criminal</li> <li>21 act in violation of the Constitution or laws of the</li> <li>22 United States or of any State punishable by a term</li> <li>23 of imprisonment greater than one year, unless such</li> </ul>	1	(2) by striking "exceeds authorized access"
<ul> <li>Section 1030(a)(4) of title 18, United States Code,</li> <li>is repealed.</li> <li>SEC. 4. MAKING PENALITIES PROPORTIONAL TO CRIMES.</li> <li>(a) Section 1030(c)(2) of title 18, United States Code</li> <li>is amended—</li> <li>(1) in subparagraph (Λ)—</li> <li>(Λ) by striking "conviction for another"</li> <li>and inserting "subsequent"; and</li> <li>(B) by inserting "such" after "attempt to</li> <li>commit";</li> <li>(2) in subparagraph (B)(i), by inserting after</li> <li>"financial gain" the following: "and the fair market</li> <li>value of the information obtained exceeds \$5,000";</li> <li>(3) in subparagraph (B)(ii), by striking "the of-</li> <li>fense was committed" and all that follows through</li> <li>the semicolon, and inserting the following: "the of-</li> <li>fense was committed in furtherance of any criminal</li> <li>act in violation of the Constitution or laws of the</li> <li>United States or of any State punishable by a term</li> <li>of imprisonment greater than one year, unless such</li> </ul>	2	each place it appears.
<ul> <li>5 is repealed.</li> <li>6 SEC. 4. MAKING PENALTIES PROPORTIONAL TO CRIMES.</li> <li>7 (a) Section 1030(c)(2) of title 18, United States Code</li> <li>8 is amended—</li> <li>9 (1) in subparagraph (A)—</li> <li>10 (A) by striking "conviction for another"</li> <li>11 and inserting "subsequent"; and</li> <li>12 (B) by inserting "such" after "attempt to</li> <li>13 commit";</li> <li>14 (2) in subparagraph (B)(i), by inserting after</li> <li>15 "financial gain" the following: "and the fair market</li> <li>16 value of the information obtained exceeds \$5,000";</li> <li>17 (3) in subparagraph (B)(ii), by striking "the of-</li> <li>18 fense was committed" and all that follows through</li> <li>19 the semicolon, and inserting the following: "the of-</li> <li>20 fense was committed in furtherance of any criminal</li> <li>21 act in violation of the Constitution or laws of the</li> <li>22 United States or of any State punishable by a term</li> <li>23 of imprisonment greater than one year, unless such</li> </ul>	3	SEC. 3. ELIMINATING REDUNDANCY.
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23 of imprisonment greater than one year, unless such	21	act in violation of the Constitution or laws of the
	22	United States or of any State punishable by a term
24 animinal acts are prohibited by this section on such	23	of imprisonment greater than one year, unless such
24 criminal acts are promoted by this section of such	24	criminal acts are prohibited by this section or such

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1	State violation would be based solely on accessing in-
2	formation without authorization;";
3	(4) in subparagraph (B)(iii), by inserting "fair
4	market" before "value"; and
5	(5) in subparagraph (C)—
6	(A) by striking "conviction for another"
7	and inserting "subsequent"; and
8	(B) by inserting "such" after "attempt to
9	commit".