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 HOUSE OF REPRESENTATIVES

JUNE 20, 2013

Ms. LOFGREN (for herself, Mr. SENSENBRENNER, Mr. POLIS, Ms. CLARKE, and Mr. DOYLE) introduced the following bill; which was referred to the Committee on the Judiciary

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Aaron’s Law Act of 2013”.
SEC. 2. CLARIFYING THAT “ACCESS WITHOUT AUTHORIZATION” UNDER 18 U.S.C. 1030 MEANS CIRCUMVENTION OF TECHNOLOGICAL BARRIERS IN ORDER TO GAIN UNAUTHORIZED ACCESS.

(a) IN GENERAL.—Section 1030(e)(6) of title 18, United States Code, is amended by—

(1) striking “exceeds authorized access” and all that follows; and

(2) inserting the following: “‘access without authorization’ means—

“(A) to obtain information on a protected computer;

“(B) that the accessor lacks authorization to obtain; and

“(C) by knowingly circumventing one or more technological or physical measures that are designed to exclude or prevent unauthorized individuals from obtaining that information.”

(b) CONFORMING AMENDMENT.—Section 1030 of title 18, United States Code, is amended—

(1) in subsection (d)(10) by striking “unauthorized access, or exceeding authorized access, to a” and inserting “access without authorization of a protected”; and
(2) by striking “exceeds authorized access” each place it appears.

SEC. 3. ELIMINATING REDUNDANCY.

Section 1030(a)(4) of title 18, United States Code, is repealed.

SEC. 4. MAKING PENALTIES PROPORTIONAL TO CRIMES.

Section 1030(c)(2) of title 18, United States Code is amended—

(1) in subparagraph (A)—

(A) by striking “conviction for another” and inserting “subsequent”; and

(B) by inserting “such” after “attempt to commit”;

(2) in subparagraph (B)(i), by inserting after “financial gain” the following: “and the fair market value of the information obtained exceeds $5,000”; and

(3) in subparagraph (B)(ii), by striking “the offense was committed” and all that follows through the semicolon, and inserting the following: “the offense was committed in furtherance of any criminal act in violation of the Constitution or laws of the United States or of any State punishable by a term of imprisonment greater than one year, unless such criminal acts are prohibited by this section or such
State violation would be based solely on accessing information without authorization;”;

(4) in subparagraph (B)(iii), by inserting “fair market” before “value”; and

(5) in subparagraph (C)—

(A) by striking “conviction for another” and inserting “subsequent”; and

(B) by inserting “such” after “attempt to commit”.

○