

113TH CONGRESS
1ST SESSION

S. 1196

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

JUNE 20, 2013

Mr. WYDEN introduced the following bill; which was read twice and 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.

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 of
5 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 au-
11 thorization’ 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

1 (2) by striking “exceeds authorized access”
2 each place it appears.

3 **SEC. 3. ELIMINATING REDUNDANCY.**

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5 is repealed.

6 **SEC. 4. MAKING PENALTIES PROPORTIONAL TO CRIMES.**

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

9 (1) in subparagraph (A)—

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

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

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

17 (3) in subparagraph (B)(ii), by striking “the of-
18 fense was committed” and all that follows through
19 the semicolon, and inserting the following: “the of-
20 fense was committed in furtherance of any criminal
21 act in violation of the Constitution or laws of the
22 United States or of any State punishable by a term
23 of imprisonment greater than one year, unless such
24 criminal acts are prohibited by this section or such

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”.

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