

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.

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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

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## 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5 is repealed.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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