

108TH CONGRESS
2D SESSION

H. R. 4977

To amend title 18, United States Code, to protect the reasonable expectation of privacy of users of e-mail, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2004

Mr. NADLER (for himself, Ms. SCHAKOWSKY, Mr. KUCINICH, and Mrs. MALONEY) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to protect the reasonable expectation of privacy of users of e-mail, 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 “E-mail Privacy Protec-
5 tion Act of 2004”.

6 **SEC. 2. INTERCEPTION OF ELECTRONIC COMMUNICATIONS**
7 **DURING TRANSMISSION.**

8 Section 2510(12) of title 18, United States Code, is
9 amended by inserting “and includes any temporary, inter-

1 mediate storage of that communication incidental to the
2 electronic transmission thereof,” after “commerce,”.

3 **SEC. 3. IMPROPER ACQUISITION OF CONTENTS OF STORED**
4 **ELECTRONIC COMMUNICATIONS BY ELEC-**
5 **TRONIC COMMUNICATIONS PROVIDERS.**

6 Section 2701 of title 18, United States Code, is
7 amended by adding at the end the following:

8 “(d) IMPROPER ACQUISITION BY SERVICE PRO-
9 VIDER.—Whoever, being a provider of an electronic com-
10 munication service, or an agent or employee of such a pro-
11 vider, acquires or uses the contents of a stored electronic
12 communication of which that provider, agent, or employee
13 is not an intended recipient other than for the purposes
14 of providing that electronic communication service, shall
15 be fined under this title or imprisoned not more than 5
16 years, or both.”.

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