

109TH CONGRESS
1ST SESSION

S. 318

To clarify conditions for the interceptions of computer trespass communications under the USA-PATRIOT Act.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2005

Mr. FEINGOLD introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To clarify conditions for the interceptions of computer trespass communications under the USA-PATRIOT Act.

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 “Computer Trespass
5 Clarification Act of 2005”.

6 **SEC. 2. AMENDMENTS TO TITLE 18.**

7 (a) DEFINITIONS.—Section 2510(21)(B) of title 18,
8 United States Code, is amended by—

9 (1) inserting “or other” after “contractual”;

10 and

1 (2) striking “for access” and inserting “permit-
2 ting access”.

3 (b) INTERCEPTION AND DISCLOSURE.—Section
4 2511(2)(i) of title 18, United States Code, is amended—

5 (1) in clause (I), by inserting after “the owner
6 or operator of the protected computer” the following:
7 “is attempting to respond to communications activ-
8 ity that threatens the integrity or operation of such
9 computer and requests assistance to protect rights
10 and property of the owner or operator, and”; and

11 (2) in clause (IV), by inserting after “intercep-
12 tion” the following: “ceases as soon as the commu-
13 nications sought are obtained or after 96 hours,
14 whichever is earlier, unless an interception order is
15 obtained under this chapter, and”.

16 (c) REPORT.—The Attorney General shall, within 60
17 days of enactment and annually thereafter, report to the
18 Committees on the Judiciary of the Senate and the House
19 of Representatives on the use during the previous year of
20 section 2511 of title 18, United States Code, relating to
21 computer trespass provisions as amended by subsection
22 (b).

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