

114TH CONGRESS
1ST SESSION

S. 1030

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

APRIL 21, 2015

Mr. WYDEN (for himself and Mr. PAUL) 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 2015”.

1 **SEC. 2. CLARIFYING THAT “ACCESS WITHOUT AUTHORIZA-**
2 **TION” UNDER SECTION 1030 OF TITLE 18,**
3 **UNITED STATES CODE, MEANS CIRCUMVEN-**
4 **TION OF TECHNOLOGICAL BARRIERS IN**
5 **ORDER TO GAIN UNAUTHORIZED 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 (a) REPEAL.—Section 1030(a) of title 18, United
 5 States Code, is amended—

6 (1) by striking paragraph (4); and

7 (2) by redesignating paragraphs (5), (6), and
 8 (7) as paragraphs (4), (5), and (6), respectively.

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

11 (1) in subsection (c)—

12 (A) in paragraph (2), by striking “(a)(6)”
 13 each place it appears and inserting “(a)(5)”;

14 (B) in paragraph (3)—

15 (i) in subparagraph (A), by striking
 16 “subsection (a)(4) or (a)(7)” and inserting
 17 “subsection (a)(6)”;

18 (ii) in subparagraph (B), by striking
 19 “subsection (a)(4), or (a)(7)” and insert-
 20 ing “subsection (a)(6)”;

21 (C) in paragraph (4)—

22 (i) in subparagraph (A)(i), in the mat-
 23 ter preceding clause (i), by striking “sub-
 24 section (a)(5)(B)” and inserting “sub-
 25 section (a)(4)(B)”;

1 (ii) in subparagraph (B)(i), by strik-
 2 ing “subsection (a)(5)(A)” and inserting
 3 “subsection (a)(4)(A)”;

4 (iii) in subparagraph (C)(i), by strik-
 5 ing “subsection (a)(5)” and inserting “sub-
 6 section (a)(4)”;

7 (iv) in subparagraph (D)(i), by strik-
 8 ing “subsection (a)(5)(C)” and inserting
 9 “subsection (a)(4)(C)”;

10 (v) in subparagraph (E), by striking
 11 “subsection (a)(5)(A)” and inserting “sub-
 12 section (a)(4)(A)”;

13 (vi) in subparagraph (F), by striking
 14 “subsection (a)(5)(A)” and inserting “sub-
 15 section (a)(4)(A)”;

16 (vii) in subparagraph (G)(i), by strik-
 17 ing “subsection (a)(5)” and inserting “sub-
 18 section (a)(4)”;

19 (2) in subsection (h), by striking “subsection
 20 (a)(5)” and inserting “subsection (a)(4)”.

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

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

24 (1) in subparagraph (A)—

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

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

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

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

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

20 (5) in subparagraph (C)—

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

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

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