113TH CONGRESS
1ST SESSION

S. _____

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

_____

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

_____

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

11 authorization' 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.

SEC. 3. ELIMINATING REDUNDANCY.

4   Section 1030(a)(4) of title 18, United States Code,

5   is repealed.

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''.