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COMMENTS IN OPPOSITION TO 15 H-5458 – COMPUTER CRIME
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The hacking of computers for personal or monetary gain is a serious matter, but the ACLU of Rhode Island is deeply concerned with the breadth of this legislation and the extent to which it criminalizes actions done without malicious intent.

The legislation states that any person who accesses a computer with the intent to “view, obtain, copy or download any confidential information,” either without or in excess of their authorization, is guilty of a felony and subject to five years in prison and a \$5,000 fine. Because the bill is worded so broadly, H-5458 would not only subject to its criminal penalties an individual who steals proprietary information from their workplace in order to make money, it would also apply to a whistleblower who releases information about her employer’s illegal activities, or a spouse who guesses a password she did not already know and reads her husband’s private emails.

Similar language appearing in the federal Computer Fraud and Abuse law has proven to be too broadly worded and has been criticized for being open to overly wide interpretation by the courts. While the law has been used to prosecute those engaged in “hacking,” it has also been used in the prosecution of individuals engaged in whistleblowing activities and, in one highly publicized case, an employee who deleted files off his work computer shortly before quitting his job. While the intent of this section may be to prosecute individuals engaged in hacking behavior, the language extends way beyond that goal. Rhode Island should not repeat the mistake made by the federal government in adopting such a broad and open-ended law.

We urge rejection of this bill.