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COMMENTS IN OPPOSITION TO 14-H 7509 – COMPUTER CRIME

As with many of the other computer crime bills being heard today, the ACLU of Rhode Island is 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 confidential information without or in excess of their authorization is guilty of a felony and subject to five years in prison and a \$5,000 fine. As worded, any individual who steals proprietary information from their workplace in order to make money is treated exactly the same as a whistleblower who releases information about her employer's illegal activities, or a spouse who guess 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 open to 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 an employee who deleted files off his work computer shortly before quitting his job. While the intent of this section may be to prosecute those individuals engaged in hacking behavior, the language is far too broad and should be much more narrowly focused.