Summary of Computer Crime Statutes

Statute	Elements Summarized	Is an	Damage	Maximum
		Attempt an	Requirement	
	(numbering is for	Offense?		
	convenience only, and			
	does not reflect			
	numbering in statute)			
18 U.S.C. 1029(a)(10)	1. Knowingly and with intent to	Yes. 1029(b)(1)	No damage required.	10 years, fine, and forfeiture, for first time
	defraud 2. Causes to be			1029 offenders.
Credit Card Fraud	presented for payment, or arranges for another person to present for payment 3. 1 or more evidences or records of transactions made by an access device 4. Without the authorization of the credit card member or its agent 5. Thereby affecting interstate or foreign commerce			20 years, fine, and forfeiture for repeat 1029 offenders.
18 U.S.C. 1030 (a)(1)	1. Knowingly accesses a computer without or in excess of	Yes.	No damage required (except for	10 years and fine, for first time 1030 offenders [18
Espionage	authority 2. Obtains information protected by Executive Order or Statute from	18 U.S.C. 1030(b)	civil suit).	U.S.C. 1030 (c) (1) (A)].

See also 18 U.S.C. 793	disclosure due to national defense or foreign relations 3. Obtains this information with reason to believe it could be used to the disadvantage of the U.S., or to the advantage of a foreign nation 4. Willfully communicates, attempts to communicate, or causes communication of this information to any person not entitled to it, or 5. Willfully retains this information and fails to give it to the U.S. officer or employee entitled to receive it			20 years and fine, for repeat 1030 offenders (convicted under any 1030(a) subsection) [18 U.S.C. 1030 (c) (1) (B)]. Possible civil liability under 18 U.S.C. 1030 (g), to include compensatory damages and injunctive relief, if filed within 2 years.
18 U.S.C. 1030 (a) (2) Invasion of Data Privacy	1. Intentionally accesses a computer without or in excess of authority 2. Obtains (a) financial or consumer credit information; or (B) any information from a U.S. department or	Yes. 18 U.S.C. 1030(b)	No damage required (except for civil suit).	1 year and fine, for first time 1030 offenders [18 U.S.C. 1030 (c) (2) (A)].

Agency; or (C) information from any "protected computer" if the access involves an interstate or foreign communication	1030 offenders (convicted under any 1030(a) subsection) [18 U.S.C. 1030 (c) (2) (C)].
	5 years and fine, if (i) committed for commercial advantage or private financial gain; (ii) committed in furtherance of any other federal or state criminal or civil law; (iii) value of the information obtained exceeds \$5,000 [18 U.S.C. 1030 (c) (2) (B)].
	Possible civil liability under 18 U.S.C. 1030 (g), to include

				compensatory damages and injunctive relief, if filed within 2 years.
18 U.S.C. 1030		T.	No damage	1 year and fine,
(a) (3)	1. Without authorization ["exceeding authorization" language is not	Yes.	required (except for civil suit).	for first-time 1030 offenders [18 U.S.C. 1030(c) (2)(A)].
Accessing	here] to access any nonpublic U. S.	18 U.S.C. 1030(b)		
Government	computer,			
Computers	2. Intentionally accesses a nonpublic computer of a U. S. department or agency that (A) is used exclusively for the U. S. government, or (B) is shared but the unauthorized access affects use by or for the government			10 years and fine, for repeat 1030 offenders (convicted under any 1030(a) subsection)[18 U.S.C. 1030(c) (2)(C).
				Possible civil liability under 18 U.S.C. 1030 (g), to include compensatory
				damages and injunctive relief, if filed within 2 years.

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18 U.S.C. 1030			No damage	5 years and
(a)(4)	1. Knowingly and	Yes.	is required	fine, for
	with intent to		(except for	first-time 1030
	defraud,		civil suit).	offenders [18
	2. Accesses a	18 U.S.C.		U.S.C. 1030(c)
	computer used in	1030(b)		(3)(A)].
Accessing Internet	interstate or foreign			
Computers to	commerce, or			
Obtain Something	3. Accesses a			
of Value	computer used			
	exclusively by a			10 years and
	financial institution			fine, for repeat
	or the U.S.			1030 offenders
	government, or			(convicted
	used			under any
	non-exclusively by			1030(a)
	a financial			subsection)[18
	institution or the			U.S.C. 1030
	U.S. government			(c)(2)(C)].
	and affecting that			
	use			
	4. Without or in			
	excess of authority			Possible civil
	5. Thereby obtaining			liability under
	anything of "value"			18 U.S.C.
	other than the use			1030(g), to
	of the computer if			include
	valued at under			compensatory
	\$5,000 in any one			damages and
	year period			injunctive
				relief, if filed
				within 2 years.
	6. [Note: Merely			
	observing			
	information may			
	not have "value"			
	according to case			
	law.]			