

[LEARN](#)[Education, Events & Resources](#)[STAY INFORMED](#)[News & Policy Priorities](#)[BELONG](#)[Membership, Renew & Community](#)[GET INVOLVED](#)[Engage & Influence](#)[WHAT WE DO](#) [WHO WE ARE](#)[NACDL STORE](#)[DONATE](#)[FIND A LAWYER](#)[CONTACT US](#)[JOIN/LOG IN](#)[Home](#) > [Stay Informed](#) > [Overcriminalization](#) > [Computer Fraud and Abuse Act \(CFAA\)](#)

## Computer Fraud and Abuse Act (CFAA)



The Computer Fraud and Abuse Act (CFAA) was enacted in 1986, as an amendment to the first federal computer fraud law, to address hacking. Over the years, it has been amended several times, most recently in 2008, to cover a broad range of conduct far beyond its original intent. The CFAA prohibits intentionally accessing a computer without authorization or in excess of authorization, but fails to define what “without authorization” means. With harsh penalty schemes and malleable provisions, it has become a tool ripe for abuse and use against nearly every aspect of computer activity.

[Login to Save to Binder](#)

As technology advances, the use of the criminal law to regulate conduct using such technology also advances. Perceptions concerning the role of technology in both traditional and high-tech criminal conduct prompted Congress to enact the first federal computer crime law thirty years ago. Increases in computer availability and mainstream usage, however, have propelled government regulation of computer conduct into overdrive.

Over the course of thirty years, federal computer crimes went from non-existent to touching on every aspect of computer activity for intensive and occasional users alike. The Computer Fraud and Abuse Act (CFAA) was enacted in 1986, as an amendment to the first federal computer fraud law, to address hacking. Over the years, it has been amended several times, most recently in



**LEARN**

Education, Events &amp; Resources

**STAY INFORMED**

News &amp; Policy Priorities

**BELONG**

Membership, Renew &amp; Community

**GET INVOLVED**

Engage &amp; Influence

**WHAT WE DO** **WHO WE ARE****NACDL STORE****DONATE****FIND A LAWYER****CONTACT US****JOIN/LOG IN**

computer for abuse and use against nearly every aspect of computer activity.

The breadth and ambiguity of the CFAA are deeply troubling. NACDL supports wholesale reform of the CFAA and, in particular, believes violations of website terms of services should not be federal crimes. NACDL opposes any additional expansion of the CFAA and is actively working to reform the CFAA through *amicus* support, coalition building, and legislative advocacy.

[JOIN NACDL TO GET INVOLVED](#)

Additional information on the CFAA and NACDL's reform efforts are available at the hyperlinks below.

- [CFAA Background](#)
- [CFAA Cases](#)
- [Advocacy Materials](#)
- [Reports and Journal Articles](#)
- Pending Legislation on Computer Crimes (Legislative tracking services returning soon)

[JOIN NACDL TO GET INVOLVED](#)

**Provisions of the Computer Fraud & Abuse Act**  
**18 U.S.C. § 1030**

Offense	Section	Sentence*
Obtaining National Security Information	(a)(1)	10 yrs (20)
Accessing a Computer and Obtaining Information	(a)(2)	1 or 5 yrs (10)
Trespassing in a Government Computer	(a)(3)	1 yr (10)
Accessing a Computer to Defraud and Obtain Value	(a)(4)	5 yrs (10)
Intentionally Damaging by Knowing Transmission	(a)(5)(A)	1 or 10 yrs (20)
Recklessly Damaging by Intentional Access	(a)(5)(B)	1 or 5 yrs (20)
Negligently Causing Damage and Loss by Intentional Access	(a)(5)(C)	1 yr (10)
Trafficking in Passwords	(a)(6)	1 yr (10)
Extortion Involving Computers	(a)(7)	5 yrs (10)
Attempt and Conspiracy to Commit such an Offense	(b)	10 yrs for attempt but no penalty specified for conspiracy in



#### LEARN

Education, Events & Resources

#### STAY INFORMED

News & Policy Priorities

#### BELONG

Membership, Renew & Community

#### GET INVOLVED

Engage & Influence

WHAT WE DO WHO WE ARE

[NACDL STORE](#)

[DONATE](#)

[FIND A LAWYER](#)

[CONTACT US](#)

[JOIN/LOG IN](#)

[JOIN NACDL TO GET INVOLVED](#)

Continue reading below



NACDL's 5th Annual Seminar

## RACE MATTERS V

POLICY, PRACTICE, AND THE INTERSECTION OF RACE IN THE CRIMINAL LEGAL SYSTEM

### THESE ARE SPONSORED ADS

### Featured Products

#### A Defender's Guide to Federal Evidence: A Trial Practice Handbook for Criminal Defense Attorneys

This Guide to Federal Evidence is the only federal evidence handbook written exclusively for criminal defense lawyers. The Guide analyzes each Federal Rule of Evidence and outlines the main evidentiary issues that confront criminal defense lawyers. It also summarizes countless defense favorable cases and provides tips on how to avoid common evidentiary pitfalls. The Guide contains multiple user-friendly flowcharts aimed at helping the criminal defense lawyer tackle evidence problems. A Defender's Guide to Federal Evidence is an indispensable tool in preparing a case for trial.

#### Modern Digital Cases

Modern cases ne practice with an c training that ident encountered in to necessary to com uneducated judge general aspects c application and le

### EXPLORE KEYWORDS TO FIND INFORMATION

- [Computer Fraud and Abuse Act \(CFAA\)](#)



## LEARN

Education, Events & Resources

## STAY INFORMED

News & Policy Priorities

## BELONG

Membership, Renew & Community

## GET INVOLVED

Engage & Influence

WHAT WE DO WHO WE ARE

### NACDL STORE

### DONATE

### FIND A LAWYER

### CONTACT US

### JOIN/LOG IN

NATIONAL  
ASSOCIATION  
of CRIMINAL  
DEFENSE LAWYERS



NACDL  
FOUNDATION FOR  
CRIMINAL  
JUSTICE

1660 L St. NW, 12th Floor, Washington, DC 20036  
Phone: (202) 872-8600 / Fax: (202) 872-8690

Copyright

Privacy

Policies

Contact

#### SUPPORT US

DONATE

#### FOLLOW US



#### WORK FOR US

NACDL Employment  
Opportunities

#### RESOURCES & LINKS

NACDLConnect

Member Directory

Amicus Briefs

Expert List

Events

Advertise

NACDL Store

Practice Resources

Join

Log In