

The Computer Fraud and Abuse Act (CFAA) [18 U.S.C. Section 1030]

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November 6, 2006

In my research I have found that the government cannot prevent computer code from being freely created and disseminated. This includes malicious code. Creating computer code, whether good or bad, is a freedom of speech covered by the first amendment. However, just because you can create it, doesn't mean you can distribute it.

“The Computer Fraud and Abuse Act (CFAA) [18 U.S.C. Section 1030] makes it illegal for anyone to distribute computer code or place it in the stream of commerce if they intend to cause either damage or economic loss. The CFAA focuses on a code's damage to computer systems and the attendant economic losses, and it provides criminal penalties for either knowingly or recklessly releasing a computer virus into computers used in interstate commerce. Someone convicted under the CFAA could face a prison sentence as long as 20 years and a fine of up to \$250,000.” – Not my words.

What this means is that the penalty a person receives for committing the crime of distributing harmful computer code is based on the damage that is caused by the crime. For instance, a person who distributes a harmful computer code that harms 500 computers by eating memory may get as big a sentence as someone who distributed a harmful computer code that wiped out all hard drives on all the computers at the Pentagon. Although, some crimes may be more damaging than others, all should be penalized accordingly. As the saying goes, “practice makes perfect”. I would think the same would go for “small crimes can lead to bigger ones”.

Source: <http://www.pbs.org/wgbh/pages/frontline/shows/hackers/blame/crimelaws.html>