



May 25, 2016

Via email

Representative Robert E. Craven, Sr.
Rhode Island House of Representatives
rep-craven@rilegislature.gov

Senator Frank S. Lombardi
Rhode Island Senate
sen-lombardi@rilegislature.gov

Re: House Bill 7406 Substitute A and Senate Bill 2584 (computer crime) – oppose

Dear Representative Craven and Senator Lombardi:

As organizations working to protect democratic values and civil liberties in the digital age, we write to express our deep concerns about 16-H 7406A/S-2584, a bill proposed by the Attorney General that would make it a felony to obtain “unauthorized access” to a computer.

Although all of the testimony offered in support of the bill expressed the need to address the acts of individuals who hack into computers to “steal trade secrets or underbid competitors,” this bill criminalizes a wide array of activity far removed from the financial crimes it purports to be aimed at. We urge your rejection of this legislation.

This bill is based on a federal law, the Computer Fraud and Abuse Act (CFAA), that has been widely condemned by national commentators for its inappropriate breadth. Most infamously, it was the crime that Internet activist Aaron Swartz was charged with after he accessed MIT’s computer network to download academic papers distributed by a subscription service. Potentially facing decades in prison, he tragically committed suicide before his trial.

Across the country, CFAA has also been used (sometimes successfully, sometimes not) to charge people for violating a website’s “terms of service,” such as creating a fake user account, and to convict an employee for deleting information from his office laptop after he had resigned. Passage of this bill could also have a chilling impact on whistleblowers who could be charged with a felony if they release information about their employer’s illegal activities that may have been obtained “without authorization.”

We have attached a memo that provides more detail about the serious concerns we have about this legislation. Thank you for considering our objections to H.B. 7406 Substitute A, and to the companion S.B. 2584. If you have any questions, please do not hesitate to email Adam Schwartz of the EFF at adam@eff.org, or to call him at (415) 436-9333, extension 176.

Respectfully submitted,

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cc: Speaker of the House Nicholas A. Mattiello (rep-mattiello@rilegislature.gov)
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