

CFAA (18 U.S.C. 1030) Penalties AFTER REFORM			
Note: Loss and Damage are defined terms, so they are <i>italicized</i> to indicate their status			
Section Violated (uses numbering of current statute)	New Section numbers after change, reflected in attached statutory document	Max Imprisonment (Subsequent Offense) ¹ [all have fines]	Proposed Changes
(a)(1)	(a)(1)	10 (20) [(c)(1)(A)]	None
(a)(2)	(a)(2)	1 or 5 (10)	5 years IF : <ul style="list-style-type: none"> Offense committed for offender's commercial advantage or private financial gain and the fair market value of the commercial advantage or private gain obtained exceeds \$10,000 OR <ul style="list-style-type: none"> Offense committed in furtherance of any felonious criminal or tortious act not based on the same conduct underlying the offense [(c)(2)(A)]
(a)(3)		1 (10) [(c)(2)(A)]	This section would be eliminated.
(a)(4)		5 (10)	This section would be eliminated.
(a)(5)(A)	(a)(3)(A)	1 or 10 or 20 or life (20) [(c)(4)(B),(C) (G)]	10 years IF : <ul style="list-style-type: none"> <i>Loss</i> to 1 or more persons in a year is more than \$10,000 AND offense was committed for purposes of commercial advantage or private financial gain Medical diagnosis or treatment impaired Physical injury to any person Threat to public health or safety <i>Damage</i> affects US Gov computer used in justice, national defense, or national security

¹ Language based on *Deal v. U.S.*, 508 U.S. 129 (1993) inserted throughout to deal with merger problem.

			<p>20 years IF:</p> <ul style="list-style-type: none"> Offender attempts to cause or knowingly or recklessly causes serious bodily injury <p>Life IF:</p> <ul style="list-style-type: none"> Offender attempts to cause or knowingly or recklessly causes death
(a)(5)(B)	(a)(3)(B)	1 or 5 (20) [(c)(4)(A), (G)]	<p>5 years IF:</p> <ul style="list-style-type: none"> Loss to 1 or more persons in a year is more than \$10,000 AND offense was committed for purposes of commercial advantage or private financial gain Medical diagnosis or treatment impaired Physical injury to any person Threat to public health or safety Damage affects US Gov computer used in justice, national defense, or national security OR, Damage affects 100 or more protected computers in a 1 year period AND offense was committed for purposes of commercial advantage or private financial gain. <p>[(c)(4)(A)]</p>
(a)(5)(C)	(a)(3)(C)	1 (10) [(c)(4)(G)]	None
(a)(6)	(a)(4)	1 (10) [(c)(2)(A)]	None
(a)(7)	(a)(5)	5 (10) [(c)(3)(A)]	None