

15.31 Threatening to Damage a Computer (18 U.S.C. § 1030(a)(7))

The defendant is charged in [Count _____ of] the indictment with transmitting a threat to damage a computer, in violation of Section 1030(a)(7) of Title 18 of the United States Code. For the defendant to be found guilty of that charge, the government must prove each of the following beyond a reasonable doubt:

First, the defendant transmitted a communication in interstate or foreign commerce;

Second, the defendant acted with intent to extort money or any other thing of value from any individual, firm, corporation, educational institution, financial institution, government entity, or legal or other entity;

[Third, the communication contained a threat to cause damage to a computer; and]

or

[Third, the communication contained a threat to [obtain] [impair the confidentiality of] information from a computer [without authorization] [in excess of authorization]; and]

or

[Third, the communication contained a demand or request for money or other thing of value in relation to damage to a computer, and damages were caused to facilitate the extortion; and]

Fourth, the defendant's threat concerned a computer that was [exclusively for the use of a financial institution or the United States government] [not exclusively for the use by or for a financial institution or the United States government, but the defendant's transmission affected the computer's use by or for a financial institution or the United States government] [used in or affected interstate or foreign commerce or communication] [located outside the United States but was used in a manner that affects interstate or foreign commerce or communication of the United States].

Comment

18 U.S.C. § 1030(e) provides definitions of the terms "computer," "financial institution," and "government entity."

Revised June 2019