

108TH CONGRESS  
2D SESSION

# H. R. 5059

To amend title 18, United States Code, with respect to stored electronic communications.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 2004

Mr. SHERMAN (for himself, Mr. CASE, and Mr. ETHERIDGE) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, with respect to stored electronic communications.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Internet Privacy Pro-  
5 tection Act of 2004”.

6 **SEC. 2. STORED ELECTRONIC COMMUNICATIONS.**

7 (a) IN GENERAL.—Chapter 121 of title 18, United  
8 States Code, is amended by adding at the end the fol-  
9 lowing:

1 **“§ 2713. Improper access by service provider**

2       “(a) OFFENSE.—Except as provided in subsection  
3 (b), whoever, being a provider of electronic communication  
4 service, intentionally accesses the contents of a stored elec-  
5 tronic communication while held in electronic storage by  
6 that provider shall be fined not more than \$5,000.

7       “(b) EXCEPTIONS.—It is not an offense under sub-  
8 section (a) if the access is a necessary incident to the ren-  
9 dition of the electronic communication service or compli-  
10 ance with section 2702.”.

11       (b) CLERICAL AMENDMENT.—The table of sections  
12 at the beginning of chapter 121 of title 18, United States  
13 Code, is amended by adding at the end the following new  
14 item:

“2713. Improper access by service provider.”.

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