**15.25 Unlawfully Accessing Nonpublic Computer Used**

**by the Government (18 U.S.C. § 1030(a)(3))**

The defendant is charged in [Count \_\_\_\_\_\_\_ of] the indictment with unlawfully accessing a computer in violation of Section 1030(a)(3) 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 elements beyond a reasonable doubt:

First, the defendant intentionally accessed a nonpublic computer of [*specify department or agency of the United States*];

Second, the defendant accessed that computer without authorization; and

Third, the computer accessed by the defendant [was exclusively for the use of the United States government] [was used nonexclusively by or for the United States government, but the defendant’s conduct affected that computer’s use by or for the United States government].

**Comment**

18 U.S.C. § 1030(e) provides definitions of the terms “computer” and “department of the United States.”