**15.30 Trafficking in Passwords**

**(18 U.S.C. § 1030(a)(6)(A), (B))**

The defendant is charged in [Count \_\_\_\_\_\_\_ of] the indictment with trafficking in [a] password[s] or similar information through which a computer may be accessed without authorization, in violation of Section 1030(a)(6) 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 knowingly [[transferred to another] [disposed of to another] [obtained control of with intent to transfer or dispose of]] [a] password[s] or similar information through which a computer may be accessed without authorization;

Second, the defendant acted with the intent to defraud; and

Third, [the defendant’s conduct affected commerce between [one state and another] [a foreign nation and the United States]] [the computer was used by or for the government of the United States].

**Comment**

As to intent to defraud, *see* Instruction 4.13 (Intent to Defraud).

18 U.S.C. § 1030(e)(1) provides a definition of “computer,” and 18 U.S.C. § 1030(a)(6) incorporates the definition of “traffic” from 18 U.S.C. § 1029(e).

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