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Matrix — Criminal Law Article 358 Intrusion of Computer

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Abstract

It is accurate for the legislature not to define what a computer is in article 358 because the absence of the definition makes it flexible for the law enforcement to respond the rapid technology development. The legislature ought to visit CFAA even though it wants to give a definition. This article suggests that actus reus requirements of the current article 358 are improper. It is unnecessary to narrow down the actus reus requirement to inputting other's account and password, hacking the protecting measure of a computer, and making use of the hole of computer system. The proper actus reus requirement should be "accessing a computer without authorization, or exceeding authorized access." When interpreting and applying, we could refer to CFAA and the judicial decisions thereof.

Keywords: computer crime, intrusion of computer, article 358 of criminal law, the Computer Fraud and Abuse Act of 1986, access a computer without authorization, or exceeding authorized access