

12: Jurisdiction

Administrative

- Next Time: Finish your papers! (Due at start of class).
- Papers**
 - Drafts / Outlines due today (I'll give you until Midnight).
 - BUT: More than happy to meet face-to-face to discuss your papers.
 - For those who have submitted drafts, I'll do my best to get comments to all by Wednesday, but no guarantees.
- News**
 - Fan stalks Linkin Park front man's cell phone bill.
 - Republicans proposed last minute NSA Wiretapping bill for Lame Duck session

Student paper presentations

- In any order
 - Kevin
 - Ben
 - Rose

Federal Jurisdiction: Substantive Law

State Jurisdiction: Pennsylvania's Filtering Law

International

- Extraterritoriality of American Criminal Law**
 - Ivanov**
 - Basic Facts**
 - Russian hacker breaks into CT company and takes control of key servers.
 - Tries to extort victim to "hire" him -- pay protection money.
 - Chapter 10 of Goldsmith/Wu fills in important facts
 - How they caught him: Invited FBI agents and the transborder search.
 - Held**
 - Reasoning**
 - Reason One:** Basic International Law principle that people can be held accountable for causing harm in Country A even if they are sitting in Country B when they set the events in motion (498-499)
 - "Modern invention . . . has made this principle one of constantly growing importance and of increasing frequency of application."
 - Here, all of the crimes list harm elements that were felt in the US
 - "Access"
 - "Obtain something of value"
 - "obtain information"
 - "send a threat"
 - "possess unauthorized access devices"
 - Reason Two:** Congress meant for 1030 to apply extraterritorially
 - "foreign commerce or communication" in definition of Protected Computer.
 - Note 3: Extended even more in USA PATRIOT Act.
 - Should it be a federal crime for a person abroad to hack into a computer in the US?
 - Should it be a federal crime for a person in the US to hack into a computer abroad?
- International Investigations/Cooperation**
- Multilateral Bodies**
 - Council of Europe
 - EU
 - G-8
 - WTO
 - Others: UN/OECD
 - Should we harmonize all of the world's procedural and substantive computer crime laws, or is there a benefit to some regional variation?