Could a Software Developer Whose Code is Used for Hacking Be Convicted of a Crime?

If you are a software developer and you develop code that hackers then use to commit crimes, then you may be a risk for criminal prosecution, as an Arkansas developer named Taylor Huddleston recently discovered according to an article published by **The Daily Beast**.

According to **The Daily Beast**, Huddleston developed a remote administration tool called "NanoCore" that is popular with hackers but claims that he intended his tool to be adopted by "budget-conscious school IT administrators, tech support firms, server farms, and parents worried about what their kids are doing online." **The Daily Beast** reports Huddleston is now being prosecuted on federal charges of conspiracy and aiding and abetting computer intrusions.

Could going after developers of software used by hackers be a new trend in law enforcement?

T**he Daily Beast** article suggests that this could in fact be a new strategy in law enforcement, and points to the government's 2012 prosecution of Michael "xVsiceral" Hogue, who had participated in "creating and selling a remote access program called Blackshades" which constituted ransomware, as possible motivation for the strategy, since the government subsequently entered into a deal with Hogue, which enabled U.S. & European authorities being able to successfully prosecute 100 users of the software over a two-year long investigation.

The bottom line is that developers who create code or products

that may have legitimate as well as hacking applications should be on notice that they could become the target of a federal investigation or even be federally prosecuted as a result of their development activities. The Huddleston case certainly suggests that software innovators should be considering how their innovations may be utilized once developed before they actually follow through with the development, and certainly should be seeing outside legal counsel on these issues prior to engaging in the development of a product that may have both innocuous and criminal applications. Developers in such circumstances also may want to re-consider the wisdom of engaging in independent development and seek out corporate support for their development project.

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If you are a developer and you develop code that hackers then use to commit crimes, then you may be at risk for criminal prosecution. Could prosecution of developers for code used by hackers be a new trend in law enforcement? For more information on the risks to software developers, please check out this Silicon Valley Software Law Blog posting:

http://www.siliconvalleysoftwarelaw.com/could-a-software-developer-whose-code-is-used-for-hacking-be-convicted-of-a-crime/