

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 2528 Session of  
2008

INTRODUCED BY R. TAYLOR, LENTZ, BELFANTI, BRENNAN, BOBACK,  
CONKLIN, CURRY, DePASQUALE, FRANKEL, GEORGE, GIBBONS,  
GOODMAN, GRUCELA, HARHAI, HARKINS, HORNAMAN, KORTZ, KOTIK,  
LEACH, MAHONEY, MANN, McCALL, McILHATTAN, MELIO, MOYER, MURT,  
ROCK, SAYLOR, SCAVELLO, SHAPIRO, SIPTROTH, M. SMITH, SOLOBAY,  
SURRA, J. TAYLOR, WANSACZ, J. WHITE, YOUNGBLOOD, BEYER,  
HENNESSEY, HERSHEY, D. O'BRIEN, GEIST AND MOUL, JUNE 11, 2008

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 11, 2008

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, providing for the offense of tampering with  
4 Internet usage monitoring software or hardware and for  
5 Internet usage monitoring.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Title 18 of the Pennsylvania Consolidated  
9 Statutes is amended by adding a section to read:

10 § 5113. Tampering with Internet usage monitoring software or  
11 hardware.

12 A person monitored by the Pennsylvania Board of Probation and  
13 Parole or county probation authorities under 42 Pa.C.S. § 9795.6  
14 (relating to Internet usage monitoring) through software or  
15 hardware who intentionally tampers with the monitoring software  
16 or hardware commits a misdemeanor of the third degree. The term  
17 "tampering," in addition to any physical act which is intended

to alter or interfere with the proper functioning of the monitoring software or hardware, shall include attempting to circumvent or bypass or circumventing or bypassing the monitoring software or hardware.

Section 2. Title 42 is amended by adding a section to read:

§ 9795.6. Internet usage monitoring.

(a) Supervisory monitoring of usage.--The Pennsylvania Board of Probation and Parole and county probation authorities shall monitor the Internet usage of persons subject to registration under section 9795.1 (relating to registration) who are found by the trier of fact to have utilized the Internet to facilitate the commission of any offense referred to in section 9795.1 for the duration of their period of probation or parole.

(b) Method of monitoring.--Not exclusive of any other method permitted by law, Internet usage monitoring under subsection (a) shall be conducted through the use of software or hardware installed on all computers and computer-related equipment capable of accessing the Internet owned or possessed and personally used by the person being monitored which shall be limited in scope to that which is necessary to prevent a future sexually violent offense.

(c) Exception to monitoring requirement.--The Pennsylvania Board of Probation and Parole and county probation authorities may, on a case-by-case basis, forgo the supervision condition required under subsection (a) for good cause. In every case where a determination is made to forgo the supervision condition required under subsection (a), a contemporaneous written statement shall be provided setting forth the reason or reasons for the deviation from the requirement under subsection (a).

(d) Costs.--A person monitored by software or hardware under

1 this section shall bear the associated costs unless it is  
2 determined that such costs would result in undue economic  
3 hardship to the person.

4       Section 3. This act shall take effect in 60 days.