THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 754

Session of 2009

INTRODUCED BY SAINATO, KOTIK, BROOKS, GRUCELA, BRENNAN, PRESTON, BOBACK, SAYLOR, CALTAGIRONE, PYLE, J. TAYLOR, GEORGE, McGEEHAN, PALLONE, KAUFFMAN, SIPTROTH, HARHAI, MARKOSEK, KORTZ, BAKER, MELIO, BEAR, FREEMAN, READSHAW, BRIGGS, CURRY, LONGIETTI, STABACK, FLECK, HESS, HARRIS, DONATUCCI, JOSEPHS, GROVE, GOODMAN, VULAKOVICH, HALUSKA, O'NEILL, STURLA, REICHLEY, PAYNE, GEIST, DENLINGER AND GIBBONS, MARCH 5, 2009

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 5, 2009

AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of unlawful 2 capture and electronic transmission of identifying 3 information. 5 The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: 6 7 Section 1. Title 18 of the Pennsylvania Consolidated 8 Statutes is amended by adding a section to read: § 7507.2. Unlawful capture and electronic transmission of 10 identifying information. 11 (a) Offense defined. -- A person commits a misdemeanor of the 12 third degree if he: 13 (1) intends to capture identifying information of 14 another person and knowingly captures that identifying 15 information without the other person's consent; or 16 (2) electronically transmits identifying information

- 1 <u>captured in violation of paragraph (1).</u>
- 2 (b) Separate offenses. -- Each act of capturing or
- 3 electronically transmitting identifying information constitutes
- 4 <u>a separate offense.</u>
- 5 (c) Exception. -- Subsection (a) shall not apply to any lawful
- 6 activity by law enforcement officers during a criminal
- 7 <u>investigation</u>.
- 8 (d) Definitions. -- As used in this section, the following
- 9 words and phrases shall have the meanings given to them in this
- 10 subsection:
- 11 "Capture." To photograph, film, videotape or record by any
- 12 <u>other similar means, including, but not limited to, a camera</u>
- 13 phone.
- 14 <u>"Electronically transmit." To transfer, by satellite, wire,</u>
- 15 microwave or other communication medium, including, but not
- 16 limited to, electronic mail, Internet, telephone or wireless
- 17 telephone. The term shall include electromagnetic and optic
- 18 transmissions.
- "Identifying information." The term shall have the same
- 20 meaning given to it under section 4120(f) (relating to identity
- 21 theft).
- 22 Section 2. This act shall take effect in 60 days.