

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1386 Session of 2009

INTRODUCED BY DERMODY, KULA, REICHLEY, SIPTROTH, KOTIK, BURNS,
STABACK, HALUSKA, FABRIZIO, KORTZ, PALLONE, J. TAYLOR,
BRENNAN, K. SMITH, MCGEEHAN, MUSTIO, GODSHALL, BELFANTI,
HORNAMAN, O'NEILL, CARROLL, JOSEPHS, VULAKOVICH, DeLUCA,
HENNESSEY, W. KELLER AND GROVE, APRIL 29, 2009

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, APRIL 29, 2009

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the offense of
3 identity theft.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. The definition of "document" in section 4120(f)
7 of Title 18 of the Pennsylvania Consolidated Statutes is amended
8 and the section is amended by adding definitions to read:

9 § 4120. Identity theft.

10 * * *

11 (f) Definitions.--As used in this section, the following
12 words and phrases shall have the meanings given to them in this
13 subsection:

14 "Document." Any writing, including, but not limited to,
15 birth certificate, Social Security card, driver's license,
16 nondriver government-issued identification card, baptismal
17 certificate, access device card, employee identification card,

1 school identification card or other identifying information
2 recorded by any other method, including, but not limited to,
3 information stored on any computer, computer disc, computer
4 printout, computer system, radio frequency identification
5 system, or part thereof, or by any other mechanical or
6 electronic means.

7 "Identify." To establish the personal information of an
8 individual or other identifying characteristic of an individual,
9 including information linking an individual to previous
10 transactions or activities.

11 * * *

12 "Radio frequency identification" or "RFID." A technology
13 that incorporates the use of electromagnetic or electrostatic
14 coupling in the radio frequency portion of the electromagnetic
15 spectrum that can be used to identify any object or person. This
16 includes, but is not limited to, any device including a reader
17 and tag that passively or actively uses radio frequency
18 identification technology that does not require physical contact
19 between the tag and reader in order to transmit data.

20 "Radio frequency identification reader" or "reader." A
21 device capable of reading, activating, triggering or receiving
22 information or data from a radio frequency identification tag.

23 "Radio frequency identification system" or "RFID system." A
24 combination of devices, including, but not limited to, readers,
25 tags, transmitters, processors, antennae, computers, visual
26 displays and automated checkout systems that enable the owner or
27 user of the devices to track, monitor, record, identify,
28 process, charge for, surveil, read, encode, decode or disable a
29 radio frequency identification tag.

30 "Radio frequency identification tag" or "tag." An identifier

1 comprised of tags, product codes, chips, circuits or other
2 triggering devices which contain identification information,
3 data signals or other information related to the product,
4 manufacturer, contents, serial number, date, purchaser, seller,
5 destination, origin, package, carton, material, object or person
6 to which they are attached, embedded or associated, and which
7 information, including personal information or data, is capable
8 of being wirelessly transmitted to or read by a radio frequency
9 identification reader or RFID system.

10 Section 2. This act shall take effect in 60 days.