

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 300 Session of 2009

INTRODUCED BY CORMAN, BROWNE, GORDNER, ORIE, RAFFERTY, BOSCOLA, FONTANA, STACK, ALLOWAY, BAKER, BRUBAKER, FERLO, KASUNIC, LOGAN, O'PAKE, PIPPY, ROBBINS, STOUT, TARTAGLIONE, TOMLINSON, WILLIAMS, WAUGH, D. WHITE, WONDERLING AND WARD, FEBRUARY 20, 2009

REFERRED TO JUDICIARY, FEBRUARY 20, 2009

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for theft of personal or
3 confidential information.

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

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

8 § 3930.1. Theft of personal or confidential information.

9 (a) Felony of the second degree.--A person commits a felony
10 of the second degree if he:

11 (1) by force or violence or by putting him in fear takes
12 from the person of another any article representing personal
13 or confidential information;

14 (2) willfully and maliciously enters any building or
15 other structure with intent to obtain unlawful possession of
16 or access to an article representing personal or confidential
17 information; or

1 (3) willfully and maliciously accesses any computer,
2 computer network or computer system, whether in person or
3 electronically, with the intent to obtain unlawful possession
4 of or access to an article representing personal or
5 confidential information.

6 (b) Felony of the third degree.--A person commits a felony
7 of the third degree if he, with intent to wrongfully deprive of,
8 or withhold from the owner, the control of personal or
9 confidential information, or with intent to wrongfully
10 appropriate personal or confidential information for his use, or
11 for the use of another:

12 (1) unlawfully obtains possession of or access to an
13 article representing personal or confidential information; or

14 (2) having lawfully obtained possession of an article
15 representing personal or confidential information or access
16 thereto converts the article or information to his own use or
17 that of another person, while having possession of the
18 article or access thereto makes or causes to be made a copy
19 of the article or exhibits the article or information to
20 another.

21 (c) Further disposition irrelevant.--The crime or crimes
22 defined in subsections (a) and (b) shall be deemed complete
23 without regard to the further disposition, return or intent to
24 return of the article representing personal or confidential
25 information.

26 (d) Defense.--It shall be a complete defense to any
27 prosecution under subsection (b) for the defendant to show that
28 information comprising the personal or confidential information
29 was rightfully known or available to him from a source other
30 than the owner of the personal or confidential information.

1 (e) Construction.--Nothing in this section shall be
2 construed to interfere with or prohibit terms or conditions in a
3 contract or license related to a computer, a computer network or
4 computer software.

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

8 "Article." Any object, material, device or substance or copy
9 thereof, including any writing, record, recording, drawing,
10 description, sample, specimen, prototype, model, photograph,
11 microorganism, blueprint or map.

12 "Computer." An electronic, magnetic, optical, hydraulic,
13 organic or other high-speed data processing device or system
14 which performs logic, arithmetic or memory functions, including
15 all input, output, processing, storage, software or
16 communication facilities which are connected or related to the
17 device in a system or network.

18 "Computer network." The interconnection of two or more
19 computers through the usage of satellite, microwave, line or
20 other communication medium.

21 "Computer system." A set of related, connected or
22 unconnected computer equipment, devices and software.

23 "Copy." Any facsimile, replica, photograph or reproduction
24 of an article or any note, drawing, sketch or description made
25 of or from an article.

26 "Representing." Describing, depicting, containing,
27 constituting, reflecting or recording.

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