

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 534 Session of
1993

INTRODUCED BY RAYMOND, PICCOLA, FAIRCHILD, BOYES, BROWN,
COLAIZZO, CHADWICK, NAILOR, KAISER, DeLUCA, PETTIT, GORDNER,
SCHEETZ, HECKLER, FAJT, TIGUE, MAYERNIK, MICOZZIE, TULLI,
JAROLIN, HERMAN, MARSICO, SAURMAN, BATTISTO, TRELLO, MERRY,
OLASZ, CLARK, CALTAGIRONE, DEMPSEY, L. I. COHEN, CORNELL,
TOMLINSON, B. SMITH, HENNESSEY, ARMSTRONG, E. Z. TAYLOR,
VEON, STERN, KING, FARGO, FLEAGLE, WILLIAMS, GIGLIOTTI,
BELARDI, PITTS, BELFANTI, KENNEY, SEMMEL, DALEY, GERLACH,
PESCI, MICHLOVIC, FLICK, GEIST, MELIO, BAKER, KELLER, CIVERA,
ADOLPH AND KASUNIC, MARCH 15, 1993

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 15, 1993

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for unlawful use of
3 a computer.

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

6 Section 1. Section 3933 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 3933. Unlawful use of computer.

9 (a) Offense defined.--A person commits an offense if he:

10 (1) accesses, alters, damages or destroys any computer,
11 computer system, computer network, computer software,
12 computer program or data base or any part thereof, with the
13 intent to interrupt the normal functioning of an organization
14 or to devise or execute any scheme or artifice to defraud or

1 deceive or control property or services by means of false or
2 fraudulent pretenses, representations or promises;

3 (2) intentionally and without authorization accesses,
4 alters, interferes with the operation of, damages or destroys
5 any computer, computer system, computer network, computer
6 software, computer program or computer data base or any part
7 thereof; [or]

8 (3) intentionally or knowingly and without authorization
9 gives, transmits or publishes a password, identifying code,
10 personal identification number or other confidential
11 information about a computer, computer system, computer
12 network [or], data base[.] or communications network;

13 (4) intentionally or knowingly and without authorization
14 or exceeding authorization inserts a computer virus into a
15 computer, computer system, computer network, computer
16 software, computer program or data base or part thereof;

17 (5) intentionally or knowingly provides a computer virus
18 program to others in circumstances in which those others
19 would not know of its effects; or

20 (6) intentionally or knowingly accesses or causes to be
21 accessed or otherwise uses or causes to be used a computer,
22 computer system, computer network, computer software,
23 computer program or data base or any part thereof with the
24 intent to obtain unauthorized computer services or
25 information.

26 [(b) Grading.--An offense under subsection (a)(1) is a
27 felony of the third degree. An offense under subsection (a)(2)
28 or (3) is a misdemeanor of the first degree.]

29 (b) Grading.--An offense under subsection (a) is:

30 (1) A felony of the second degree if the offense causes

1 the serious disruption of or major interference with vital
2 services or operations of a public utility or a private
3 institution.

4 (2) A felony of the second degree if the offense causes
5 the disruption of or interference with the services or
6 operations of a State or local government computer system.

7 (3) A felony of the third degree if damage to or the
8 value of the property or computer services affected exceeds
9 \$10,000.

10 (4) A misdemeanor of the first degree if damage to or
11 the value of the property or computer services affected
12 exceeds \$5,000.

13 (5) A misdemeanor of the second degree if the damage to
14 or the value of the property or computer services affected is
15 \$5,000 or less.

16 (c) Valuation.--For the purposes of subsection (b), the
17 value of property or computer services shall be:

18 (1) the market value of the property or computer
19 services at the time of the offense;

20 (2) if the property or computer services are damaged or
21 destroyed as a result of the offense committed, the cost of
22 reproducing or replacing the property or computer services at
23 the time of the offense; or

24 (3) if the value of the property or computer services or
25 damage thereto cannot be satisfactorily ascertained, \$5,000.

26 [(c)] (d) Definitions.--As used in this section, the
27 following words and phrases shall have the meanings given to
28 them in this subsection:

29 "Access." To intercept, instruct, communicate with, store
30 data in, retrieve data from or otherwise make use of any

1 resources of a computer, computer system, computer network or
2 data base.

3 ["Computer." An electronic, magnetic, optical, hydraulic,
4 organic or other high speed data processing device or system
5 which performs logic, arithmetic or memory functions and
6 includes all input, output, processing, storage, software or
7 communication facilities which are connected or related to the
8 device in a system or network.]

9 "Computer." An electronic, optical, electrochemical or other
10 high-speed data processing device performing logical, switching,
11 arithmetic or storage functions. The term includes any data
12 storage facility or communications facility directly related to
13 or operating in conjunction with the device.

14 "Computer network." The interconnection of two or more
15 computers through the usage of satellite, microwave, line or
16 other communication medium.

17 "Computer program." An ordered set of instructions or
18 statements and related data that, when automatically executed in
19 actual or modified form in a computer system, causes it to
20 perform specified functions.

21 "Computer software." A set of computer programs, procedures
22 and associated documentation concerned with the operation of a
23 computer system.

24 ["Computer system." A set of related, connected or
25 unconnected computer equipment, devices and software.]

26 "Computer system." Equipment or the interconnected system or
27 subsystems of equipment that are used in the automatic
28 acquisition, storage, manipulation, management, movement,
29 control, display, switching, interchange, transmission or
30 reception of data or information. The term includes computers;

1 ancillary equipment; software; firmware and similar automated
2 procedures; and services, including support services.

3 "Computer virus." Any set of computer instructions that are
4 designed to modify, damage, destroy, record or transmit
5 information within a computer, computer system or computer
6 network without the intent or permission of the owner of the
7 information. The term shall include, but not be limited to,
8 computer instructions which are self-replicating or self-
9 propagating and are designed to contaminate other computer
10 programs or computer data, consume computer resources, modify,
11 destroy, record or transmit data, or in some other fashion usurp
12 the normal operation of the computer, computer system or
13 computer network.

14 "Data base." A representation of information, knowledge,
15 facts, concepts or instructions which are being prepared or
16 processed or have been prepared or processed in a formulized
17 manner and are intended for use in a computer, computer system
18 or computer network, including, but not limited to, computer
19 printouts, magnetic storage media, punched cards or data stored
20 internally in the memory of the computer.

21 "Financial instrument." Includes, but is not limited to, any
22 check, draft, warrant, money order, note, certificate of
23 deposit, letter of credit, bill of exchange, credit or debit
24 card, transaction authorization mechanism, marketable security
25 or any computer system representation thereof.

26 "Information." A representation of knowledge, facts,
27 concepts or instructions which are being prepared or have been
28 prepared directly or indirectly from an organized set of data
29 and are intended to be processed, are being processed or have
30 been processed in a computer system or computer network. It may

1 be classified as intellectual property and may be in a form,
2 including, but not limited to, computer printouts, magnetic or
3 optical storage media, punched cards or internal storage in the
4 memory of the computer.

5 "Local government." A county, city, borough, incorporated
6 town, township or any similar general purpose unit of government
7 which may be created by the General Assembly.

8 "Property." Includes, but is not limited to, financial
9 instruments, computer software and programs in either machine or
10 human readable form, and anything of value, tangible or
11 intangible.

12 "Services." Includes, but is not limited to, computer time,
13 data processing and storage functions.

14 "State agency." An administrative department, independent
15 board or commission of the Commonwealth.

16 "State or local government computer system." A computer
17 system operated or leased by or under contract to a State,
18 local, judicial or legislative government entity.

19 "Vital services or operations." Those services or operations
20 required to provide, operate, maintain and repair network
21 cabling, transmission, distribution or computer facilities
22 necessary to ensure or protect the public health, safety or
23 welfare. Public health, safety or welfare include, but are not
24 limited to, services provided by medical personnel or
25 institutions, fire departments, emergency services agencies,
26 national defense contractors, armed forces or militia personnel,
27 private and public utility companies or law enforcement
28 agencies.

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