AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of unlawful capture and electronic transmission of identifying information.

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

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

§ 7507.2. Unlawful capture and electronic transmission of identifying information.

(a) Offense defined.--A person commits a misdemeanor of the third degree if he:

(1) intends to capture identifying information of another person and knowingly captures that identifying information without the other person's consent; or

(2) electronically transmits identifying information.
captured in violation of paragraph (1).

(b) Separate offenses.--Each act of capturing or
electronically transmitting identifying information constitutes
a separate offense.

(c) Exception.--Subsection (a) shall not apply to any lawful
activity by law enforcement officers during a criminal
investigation.

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

"Capture." To photograph, film, videotape or record by any
other similar means, including, but not limited to, a camera
phone.

"Electronically transmit." To transfer, by satellite, wire,
microwave or other communication medium, including, but not
limited to, electronic mail, Internet, telephone or wireless
telephone. The term shall include electromagnetic and optic
transmissions.

"Identifying information." The term shall have the same
meaning given to it under section 4120(f) (relating to identity
theft).

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