AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for theft of personal or confidential 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:

§ 3930.1. Theft of personal or confidential information.

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

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

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

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

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

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

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

(d) Defense.--It shall be a complete defense to any prosecution under subsection (b) for the defendant to show that information comprising the personal or confidential information was rightfully known or available to him from a source other than the owner of the personal or confidential information.
(e) Construction.--Nothing in this section shall be construed to interfere with or prohibit terms or conditions in a contract or license related to a computer, a computer network or computer software.

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

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

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

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

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

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

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

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