

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 1341** Session of  
1997

INTRODUCED BY NICKOL, FARGO, ARGALL, MAITLAND, BELARDI,  
McNAUGHTON, TRELLO, ROSS, B. SMITH, WAUGH, WALKO, PLATTS,  
CLARK, CLYMER, HALUSKA, PISTELLA, STABACK, GEIST, HESS,  
COWELL, STERN, EGOLF, MILLER, C. WILLIAMS, STEELMAN, SEMMEL,  
L. I. COHEN, ALLEN, LYNCH, E. Z. TAYLOR, WOGAN, BENNINGHOFF,  
SAINATO AND BOSCOLA, APRIL 17, 1997

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,  
JUNE 3, 1997

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for retail theft; <—  
3 AND FURTHER DEFINING "TRADE SECRET."

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

6 Section 1. Section 3929(a) of Title 18 of the Pennsylvania  
7 Consolidated Statutes is amended by adding a paragraph to read:

8 § 3929. Retail theft.

9 (a) Offense defined.--A person is guilty of a retail theft  
10 if he:

11 \* \* \*

12 (5) destroys, removes, renders inoperative or  
13 deactivates any inventory control tag, security strip or any  
14 other mechanism designed or employed to prevent an offense  
15 under this section with the intention of depriving the

merchant of the possession, use or benefit of such  
merchandise without paying the full retail value thereof.

\* \* \*

SECTION 2. THE DEFINITION OF "TRADE SECRET" IN SECTION  
3930(E) OF TITLE 18, AMENDED OCTOBER 16, 1996 (P.L.715, NO.128),  
IS AMENDED TO READ:

§ 3930. THEFT OF TRADE SECRETS.

\* \* \*

(E) DEFINITIONS.--AS USED IN THIS SECTION THE FOLLOWING  
WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
SUBSECTION:

\* \* \*

"TRADE SECRET." THE WHOLE OR ANY PORTION OR PHASE OF ANY  
SCIENTIFIC OR TECHNICAL INFORMATION, DESIGN, PROCESS, PROCEDURE,  
FORMULA OR IMPROVEMENT [OR CUSTOMER OR SALES INFORMATION OR ANY  
OTHER PRIVILEGED OR CONFIDENTIAL INFORMATION] WHICH IS OF VALUE  
AND HAS BEEN SPECIFICALLY IDENTIFIED BY THE OWNER AS OF A  
CONFIDENTIAL CHARACTER, AND WHICH HAS NOT BEEN PUBLISHED OR  
OTHERWISE BECOME A MATTER OF GENERAL PUBLIC KNOWLEDGE. THERE  
SHALL BE A REBUTTABLE PRESUMPTION THAT SCIENTIFIC OR TECHNICAL  
INFORMATION [OR CUSTOMER OR SALES INFORMATION OR ANY OTHER  
PRIVILEGED OR CONFIDENTIAL INFORMATION] HAS NOT BEEN PUBLISHED  
OR OTHERWISE BECOME A MATTER OF GENERAL PUBLIC KNOWLEDGE WHEN  
THE OWNER THEREOF TAKES MEASURES TO PREVENT IT FROM BECOMING  
AVAILABLE TO PERSONS OTHER THAN THOSE SELECTED BY HIM TO HAVE  
ACCESS THERETO FOR LIMITED PURPOSES.

Section ~~2~~ 3. This act shall take effect immediately.