

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 1077** Session of
1999

INTRODUCED BY EARLL, O'PAKE, WHITE, HART, LEMMOND, TILGHMAN,
ROBBINS, WAUGH, KASUNIC, WOZNIAK, SCHWARTZ, RHOADES, THOMPSON
AND BOSCOLA, SEPTEMBER 7, 1999

SENATOR TOMLINSON, COMMUNICATIONS AND HIGH TECHNOLOGY, AS
AMENDED, NOVEMBER 9, 1999

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
15 deceive or control property or services by means of false or
16 fraudulent pretenses, representations or promises, including
17 through the intentional distribution of a computer virus;

(2) intentionally and without authorization accesses, alters, interferes with the operation of, damages or destroys any computer, computer system, computer network, computer software, computer program or computer data base or any part thereof, including through the intentional distribution of a computer virus; or

(3) intentionally or knowingly and without authorization gives or publishes a password, identifying code, personal identification number or other confidential information about a computer, computer system, computer network or data base, including such information as may have been obtained through the intentional distribution of a computer virus.

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

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

"Access." To intercept, instruct, communicate with, store data in, retrieve data from or otherwise make use of any resources of a computer, computer system, computer network or data base.

"Computer." An electronic, magnetic, optical, hydraulic, organic or other high speed data processing device or system which performs logic, arithmetic or memory functions and includes 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

1 other communication medium.

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

6 "Computer software." A set of computer programs, procedures
7 and associated documentation concerned with the operation of a
8 computer system.

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

11 "Computer virus." A computer program copied to or installed
12 on a computer without the informed consent of the owner of the
13 computer that may replicate itself and that causes unauthorized
14 activities within or by the target computer.

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

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

27 "Property." Includes, but is not limited to, financial
28 instruments, computer software and programs in either machine or
29 human readable form, and anything of value, tangible or
30 intangible.

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

3 (d) Restitution.--Upon conviction under this section for the
4 intentional distribution of a computer virus, the sentence shall
5 include an order for the defendant to reimburse the victim for
6 the cost of repairing or, if necessary, replacing the affected: <—

7 (1) THE COST OF REPAIRING OR, IF NECESSARY, REPLACING
8 THE AFFECTED computer, computer system, computer network,
9 computer software, computer program or data base; OR <—

10 (2) LOST PROFIT FOR THE PERIOD THAT THE COMPUTER,
11 COMPUTER SYSTEM, COMPUTER NETWORK, COMPUTER SOFTWARE,
12 COMPUTER PROGRAM OR DATA BASE IS NOT USEABLE.

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