

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2282 Session of
2008

INTRODUCED BY GOODMAN, BELFANTI, CALTAGIRONE, CASORIO, COHEN,
DeLUCA, FREEMAN, GEORGE, HALUSKA, HARHAI, HARKINS, HENNESSEY,
KORTZ, KOTIK, KULA, LEACH, McCALL, McGEEHAN, MELIO, MOUL,
PASHINSKI, RAMALEY, SIPTROTH, K. SMITH, SOLOBAY, STERN,
SURRA, SWANGER AND YOUNGBLOOD, MARCH 5, 2008

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 5, 2008

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, prohibiting cyberfraud.

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

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

7 § 4121. Cyberfraud.

8 (a) Prohibition.--It shall be unlawful for a person, with
9 the intent to mislead, deceive or defraud, to commit an act of
10 cyberfraud or to direct, order, authorize or cause another to
11 commit an act of cyberfraud.

12 (b) Grading.--A violation of subsection (a) shall constitute
13 a misdemeanor of the first degree.

14 (c) Applicability.--This section shall not apply to a domain
15 name registrar, registry or registration authority.

16 (d) Transfer.--In addition to any other remedies available

under law, a court may order the transfer of a domain name as part of the relief awarded for a violation of this section.

(e) District attorneys.--The district attorneys of the several counties shall have the authority to investigate and to institute criminal proceedings for a violation of this section.

(f) Definitions.--The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Cyberfraud." A knowing and willful act concerning a website that is committed with the intent to deny a person access to a website, deny a person the opportunity to register a domain name for a website or cause a person reasonably to believe that a website has been posted by a person other than the person who posted the website. The term includes any of the following acts:

(1) Intentionally diverting or redirecting access to a website to another person's website by the use of a similar domain name, meta-tags or other electronic measures.

(2) Intentionally preventing or denying exit from a website by the use of frame hyperlinks, mousetrapping, pop-up screens or other electronic measures.

(3) Registering a domain name that is similar to another domain name for a website.

(4) Intentionally preventing the use of a domain name for a website by registering and holding the domain name or by reselling it to another with the intent of preventing its use, or both.

"Domain name." Any alphanumeric designation that is registered with or assigned by any domain name registrar, domain name registry or other domain registration authority as part of an electronic address on the Internet.

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