

## 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

AS AMENDED ON THIRD CONSIDERATION, DECEMBER 6, 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] THE offense [if  
10 he] OF UNLAWFUL USE OF A COMPUTER IF HE, WHETHER IN PERSON,  
11 ELECTRONICALLY OR THROUGH THE INTENTIONAL DISTRIBUTION OF A  
12 COMPUTER VIRUS:

13 (1) accesses, alters, damages or destroys any computer,  
14 computer system, computer network, computer software,  
15 computer program or data base or any part thereof, with the  
16 ~~intent to interrupt the normal functioning of an organization~~  
17 ~~or to devise or execute any scheme or artifice to defraud or~~  
18 ~~deceive or control property or services by means of false or~~

~~fraudulent pretenses, representations or promises, including  
through the intentional distribution of a computer virus;~~

INTENT: <—

(I) TO INTERRUPT THE NORMAL FUNCTIONING OF AN  
ORGANIZATION [OR]; OR

(II) TO DEVISE OR EXECUTE ANY SCHEME OR ARTIFICE TO  
DEFRAUD [OR], DECEIVE OR CONTROL PROPERTY OR SERVICES BY  
MEANS OF FALSE OR FRAUDULENT PRETENSES, REPRESENTATIONS  
OR PROMISES;

(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

1 data base.

2 "Computer." An electronic, magnetic, optical, hydraulic,  
3 organic or other high speed data processing device or system  
4 which performs logic, arithmetic or memory functions and  
5 includes all input, output, processing, storage, software or  
6 communication facilities which are connected or related to the  
7 device in a system or network.

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

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

15 "Computer software." A set of computer programs, procedures  
16 and associated documentation concerned with the operation of a  
17 computer system.

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

20 "Computer virus." A computer program copied to or installed  
21 on a computer without the informed consent of the owner of the  
22 computer that may replicate itself and that causes unauthorized  
23 activities within or by the ~~target~~ computer.

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24 "Data base." A representation of information, knowledge,  
25 facts, concepts or instructions which are being prepared or  
26 processed or have been prepared or processed in a formalized  
27 manner and are intended for use in a computer, computer system  
28 or computer network, including, but not limited to, computer  
29 printouts, magnetic storage media, punched cards or data stored  
30 internally in the memory of the computer.

1 "Financial instrument." Includes, but is not limited to, any  
2 check, draft, warrant, money order, note, certificate of  
3 deposit, letter of credit, bill of exchange, credit or debit  
4 card, transaction authorization mechanism, marketable security  
5 or any computer system representation thereof.

6 "Property." Includes, but is not limited to, financial  
7 instruments, computer software and programs in either machine or  
8 human readable form, and anything of value, tangible or  
9 intangible.

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

12 (d) Restitution.--Upon conviction under this section for the  
13 intentional distribution of a computer virus, the sentence shall  
14 include an order for the defendant to reimburse the victim for:

15 (1) the cost of repairing or, if necessary, replacing  
16 the affected computer, computer system, computer network,  
17 computer software, computer program or data base; or

18 (2) lost profit for the period that the computer,  
19 computer system, computer network, computer software,  
20 computer program or data base is not usable.

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