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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# SENATE BILL

## No. 1077

Session of  
1999

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

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AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, FEBRUARY 8, 2000

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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, exceeds authorization to access, alters,  
14 damages or destroys any computer, computer system, computer  
15 network, computer software, computer program or data base or  
16 any part thereof, with the intent:

17 (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; 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.

(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.

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

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

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

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

13 "Computer virus." A computer program copied to or installed  
14 on a computer, COMPUTER NETWORK, COMPUTER PROGRAM, COMPUTER <—  
15 SOFTWARE OR COMPUTER SYSTEM without the informed consent of the  
16 owner of the computer, COMPUTER NETWORK, COMPUTER PROGRAM, <—  
17 COMPUTER SOFTWARE OR COMPUTER SYSTEM that may replicate itself  
18 and that causes unauthorized activities within or by the  
19 computer, COMPUTER NETWORK, COMPUTER PROGRAM, COMPUTER SOFTWARE <—  
20 OR COMPUTER SYSTEM.

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

28 "Financial instrument." Includes, but is not limited to, any  
29 check, draft, warrant, money order, note, certificate of  
30 deposit, letter of credit, bill of exchange, credit or debit

1 card, transaction authorization mechanism, marketable security  
2 or any computer system representation thereof.

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

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

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

12 (1) the cost of repairing or, if necessary, replacing  
13 the affected computer, computer system, computer network,  
14 computer software, computer program or data base; or <—

15 (2) lost profit for the period that the computer,  
16 computer system, computer network, computer software,  
17 computer program or data base is not usable; OR <—

18 (3) THE COST OF REPLACING OR RESTORING THE DATA LOST OR  
19 DAMAGED AS A RESULT OF A VIOLATION OF THIS SECTION.

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