
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

SENATE AMENDMENTS TO HOUSE AMENDMENTS, MAY 8, 2000

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for unlawful use of
3 a computer. ~~and prohibiting certain practices by~~ ←
4 ~~telemarketers.~~

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

7 Section 1. Section 3933 of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 3933. Unlawful use of computer.

10 (a) Offense defined.--A person commits [an] the offense [if
11 he] of unlawful use of a computer if he, whether in person,
12 electronically or through the intentional distribution of a
13 computer virus:

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

18 (i) to interrupt the normal functioning of an

1 organization [or]; or

2 (ii) to devise or execute any scheme or artifice to
3 defraud [or], deceive or control property or services by
4 means of false or fraudulent pretenses, representations
5 or promises;

6 (2) intentionally and without authorization accesses,
7 alters, interferes with the operation of, damages or destroys
8 any computer, computer system, computer network, computer
9 software, computer program or computer data base or any part
10 thereof; [or]

11 (3) intentionally or knowingly and without authorization
12 gives or publishes a password, identifying code, personal
13 identification number or other confidential information about
14 a computer, computer system, computer network or data
15 base[.]; or

16 (4) intentionally or knowingly engages in a scheme or
17 artifice, including, but not limited to, a denial of service
18 attack, upon any computer, computer system, computer network,
19 computer software, computer program, computer server or data
20 base or any part thereof that is designed to block, impede or
21 deny the access of information or initiation or completion of
22 any sale or transaction by users of that computer, computer
23 system, computer network, computer software, computer
24 program, computer server or data base or any part thereof.

25 (b) Grading.--An offense under subsection (a)(1) is a felony
26 of the third degree. An offense under subsection (a)(2) [or
27 (3)], (3) or (4) is a misdemeanor of the first degree.

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

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

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

11 "Computer network." The interconnection of two or more
12 computers through the usage of satellite, microwave, line or
13 other communication medium.

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

18 "Computer software." A set of computer programs, procedures
19 and associated documentation concerned with the operation of a
20 computer system.

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

23 "Computer virus." A computer program copied to or installed
24 on a computer, computer network, computer program, computer
25 software or computer system without the informed consent of the
26 owner of the computer, computer network, computer program,
27 computer software or computer system that may replicate itself
28 and that causes unauthorized activities within or by the
29 computer, computer network, computer program, computer software
30 or computer system.

1 "Data base." A representation of information, knowledge,
2 facts, concepts or instructions which are being prepared or
3 processed or have been prepared or processed in a formalized
4 manner and are intended for use in a computer, computer system
5 or computer network, including, but not limited to, computer
6 printouts, magnetic storage media, punched cards or data stored
7 internally in the memory of the computer.

8 "Financial instrument." Includes, but is not limited to, any
9 check, draft, warrant, money order, note, certificate of
10 deposit, letter of credit, bill of exchange, credit or debit
11 card, transaction authorization mechanism, marketable security
12 or any computer system representation thereof.

13 "Property." Includes, but is not limited to, financial
14 instruments, computer software and programs in either machine or
15 human readable form, and anything of value, tangible or
16 intangible.

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

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

22 (1) the cost of repairing or, if necessary, replacing
23 the affected computer, computer system, computer network,
24 computer software, computer program or data base;

25 (2) lost profit for the period that the computer,
26 computer system, computer network, computer software,
27 computer program or data base is not usable; or

28 (3) the cost of replacing or restoring the data lost or
29 damaged as a result of a violation of this section.

30 ~~Section 2. Title 18 is amended by adding a section to read:~~ <—

1 ~~§ 7330. Prohibition of certain practices by telemarketers.~~

2 ~~(a) Offense defined. No telemarketer, as defined in section~~
3 ~~2 of the act of December 4, 1996 (P.L.911, No.147), known as the~~
4 ~~Telemarketer Registration Act, shall refuse or otherwise fail to~~
5 ~~disclose the name, city, state and telephone number of the~~
6 ~~telemarketer after a recipient of a telephone solicitation by~~
7 ~~the telemarketer requests such information.~~

8 ~~(b) Penalty. A person who violates subsection (a) commits a~~
9 ~~summary offense and shall, upon conviction, be sentenced to pay~~
10 ~~a fine of \$250.~~

11 Section 3 2. This act shall take effect in 60 days.

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