

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1403 Session of 2002

INTRODUCED BY D. WHITE, CORMAN, ERICKSON, BELL, BOSCOLA, BRIGHTBILL, ORIE, HOLL, HUGHES, LAVALLE, LEMMOND, MUSTO, O'PAKE, LOGAN, C. WILLIAMS, RHOADES, TARTAGLIONE, TOMLINSON, WAUGH, CONTI AND STACK, APRIL 29, 2002

SENATOR CORMAN, COMMUNICATIONS AND HIGH TECHNOLOGY, AS AMENDED, JUNE 4, 2002

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the offense of
3 theft of trade secrets.

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

6 Section 1. Section 3930(a) and (e) of Title 18 of the
7 Pennsylvania Consolidated Statutes are amended AND THE SECTION <—
8 IS AMENDED BY ADDING A SUBSECTION to read:

9 § 3930. Theft of trade secrets.

10 (a) Felony of the second degree.--A person is guilty of a
11 felony of the second degree if he:

12 (1) by force or violence or by putting him in fear takes
13 from the person of another any article representing a trade
14 secret; [or]

15 (2) willfully and maliciously enters any building or
16 other structure with intent to obtain unlawful possession of,
17 or access to, an article representing a trade secret[.]; or

1           (3) willfully and maliciously accesses any computer,  
2           computer network or computer system, whether in person or  
3           electronically, with the intent to obtain unlawful possession  
4           of, or access to, an article representing a trade secret.

5           \* \* \*

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

9           "Article." Any object, material, device or substance or copy  
10 thereof, including any writing, record, recording, drawing,  
11 description, sample, specimen, prototype, model, photograph,  
12 microorganism, blueprint or map.

13           "Computer." An electronic, magnetic, optical, hydraulic,  
14 organic or other high-speed data processing device or system  
15 which performs logic, arithmetic or memory functions and  
16 includes all input, output, processing, storage, software or  
17 communication facilities which are connected or related to the  
18 device in a system or network.

19           "Computer network." The interconnection of two or more  
20 computers through the usage of satellite, microwave, line or  
21 other communication medium.

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

24           "Copy." Any facsimile, replica, photograph or reproduction  
25 of, an article, or any note, drawing, sketch, or description  
26 made of, or from an article.

27           "Representing." Describing, depicting, containing,  
28 constituting, reflecting or recording.

29           "Trade secret." The whole or any portion or phase of any  
30 scientific or technical information, design, process, procedure,

1 formula or improvement which is of value and has been  
2 specifically identified by the owner as of a confidential  
3 character, and which has not been published or otherwise become  
4 a matter of general public knowledge. There shall be a  
5 rebuttable presumption that scientific or technical information  
6 has not been published or otherwise become a matter of general  
7 public knowledge when the owner thereof takes measures to  
8 prevent it from becoming available to persons other than those  
9 selected by him to have access thereto for limited purposes.

10 (F) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE ←  
11 CONSTRUED TO INTERFERE WITH OR PROHIBIT TERMS OR CONDITIONS IN A  
12 CONTRACT OR LICENSE RELATED TO A COMPUTER, A COMPUTER NETWORK OR  
13 COMPUTER SOFTWARE.

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