

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 176 Session of  
2005

INTRODUCED BY CORMAN, GREENLEAF, ORIE, RAFFERTY, GORDNER, COSTA,  
O'PAKE, STACK, WAUGH, D. WHITE, KASUNIC, KITCHEN, WONDERLING,  
TOMLINSON, RHOADES, ERICKSON, ROBBINS AND THOMPSON,  
FEBRUARY 7, 2005

REFERRED TO JUDICIARY, FEBRUARY 7, 2005

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, providing for theft of personal or  
3 confidential information.

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

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

8 § 3930.1. Theft of personal or confidential information.

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

11 (1) by force or violence or by putting him in fear takes  
12 from the person of another any article representing personal  
13 or confidential information;

14 (2) willfully and maliciously enters any building or  
15 other structure with intent to obtain unlawful possession of  
16 or access to an article representing personal or confidential  
17 information; 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 personal or  
5       confidential information.

6       (b) Felony of the third degree.--A person is guilty of a  
7       felony of the third degree if he, with intent to wrongfully  
8       deprive of, or withhold from the owner, the control of personal  
9       or confidential information, or with intent to wrongfully  
10       appropriate personal or confidential information for his use, or  
11       for the use of another:

12       (1) unlawfully obtains possession of or access to an  
13       article representing personal or confidential information; or

14       (2) having lawfully obtained possession of an article  
15       representing personal or confidential information or access  
16       thereto converts the article or information to his own use or  
17       that of another person, while having possession of the  
18       article or access thereto makes or causes to be made a copy  
19       of the article or exhibits the article or information to  
20       another.

21       (c) Further disposition irrelevant.--The crime or crimes  
22       defined in subsections (a) and (b) shall be deemed complete  
23       without regard to the further disposition, return or intent to  
24       return of the article representing personal or confidential  
25       information.

26       (d) Defense.--It shall be a complete defense to any  
27       prosecution under subsection (b) for the defendant to show that  
28       information comprising the personal or confidential information  
29       was rightfully known or available to him from a source other  
30       than the owner of the personal or confidential information.

1     (e) Construction.--Nothing in this section shall be  
2     construed to interfere with or prohibit terms or conditions in a  
3     contract or license related to a computer, a computer network or  
4     computer software.

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

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

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

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

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

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

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

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