

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 441 Session of
2007

INTRODUCED BY SAINATO, DERMODY, DENLINGER, COHEN, BOYD,
SIPTROTH, MELIO, HORNAMAN, GIBBONS, REICHLEY, SURRA,
MARKOSEK, KOTIK, MAHONEY, HARHAI, R. STEVENSON, KAUFFMAN,
PALLONE, CALTAGIRONE, YOUNGBLOOD, READSHAW, GRUCELA, CURRY,
FREEMAN, WALKO, GEORGE, KORTZ, GEIST, JOSEPHS, SAYLOR,
PETRARCA, HESS AND FRANKEL, FEBRUARY 26, 2007

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 26, 2007

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for the offense of unlawful
3 capture and electronic transmission of private 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 § 7507.2. Unlawful capture and electronic transmission of
9 private information.

10 (a) Offense defined.--A person commits a misdemeanor of the
11 third degree if he:

12 (1) intends to capture private information of another
13 person and knowingly captures that private information
14 without the other person's consent; or

15 (2) electronically transmits private information
16 captured in violation of paragraph (1).

1 (b) Separate offenses.--Each act of capturing or
2 electronically transmitting private information constitutes a
3 separate offense.

4 (c) Exception.--Subsection (a) shall not apply to any lawful
5 activity by law enforcement officers during a criminal
6 investigation.

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

10 "Capture." To photograph, film, videotape or record by any
11 other similar means, including, but not limited to, a camera
12 phone.

13 "Electronically transmit." To transfer, by satellite, wire,
14 microwave or other communication medium, including, but not
15 limited to, electronic mail, Internet, telephone or wireless
16 telephone.

17 "Private information." Any information about a person,
18 provided that access to the information is not generally
19 permitted to members of the public and the person has a
20 reasonable expectation of privacy in the information under the
21 circumstances. The term includes, but is not limited to, a
22 Social Security number, personal identification number and
23 credit card number.

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