

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, FRANKEL, MURT, BROOKS AND BENNINGHOFF, FEBRUARY 26, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 4, 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 IDENTIFYING  
4 information. <—

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

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

9 § 7507.2. Unlawful capture and electronic transmission of  
10 private IDENTIFYING information. <—

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

13 (1) intends to capture private IDENTIFYING information <—

14 of another person and knowingly captures that private <—

15 IDENTIFYING information without the other person's consent; <—

16 or

1           (2) electronically transmits private IDENTIFYING           <—  
2           information captured in violation of paragraph (1).

3           (b) Separate offenses.--Each act of capturing or  
4           electronically transmitting private IDENTIFYING information           <—  
5           constitutes a separate offense.

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

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

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

15          "Electronically transmit." To transfer, by satellite, wire,  
16          microwave or other communication medium, including, but not  
17          limited to, electronic mail, Internet, telephone or wireless  
18          telephone. THE TERM SHALL INCLUDE ELECTROMAGNETIC AND OPTIC           <—  
19          TRANSMISSIONS.

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

27          "IDENTIFYING INFORMATION." THE TERM SHALL HAVE THE SAME           <—  
28          MEANING GIVEN TO IT UNDER SECTION 4120(F) (RELATING TO IDENTITY  
29          THEFT).

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