
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 642 Session of
2017

INTRODUCED BY BAKER, WARD, HELM, V. BROWN, MURT, MILLARD,
PICKETT, STAATS, DeLUCA, READSHAW, PASHINSKI, ZIMMERMAN, RAPP
AND SOLOMON, FEBRUARY 27, 2017

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 27, 2017

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in computer offenses, providing for
3 misuse of Commonwealth computer, computer network or cellular
4 phone.

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 § 7642. Misuse of Commonwealth computer, computer network or
10 cellular phone.

11 (a) Offense defined.--

12 (1) Except as authorized or required by official duties,
13 an employee of the Commonwealth commits a misdemeanor of the
14 third degree if the employee knowingly utilizes a
15 Commonwealth-owned computer, computer network or cellular
16 phone to display, disseminate, view, access, transfer,
17 transmit or retransmit a photograph, video or other visual
18 depiction of explicit sexual materials.

1 (2) Nothing under this section may supersede a
2 prosecution for conduct prohibited under section 5903
3 (relating to obscene and other sexual materials and
4 performances) or 6312 (relating to sexual abuse of children).

5 (b) Defense.--It shall be a defense under this section that
6 the employee received the prohibited depiction and viewed the
7 prohibited depiction without prior knowledge of the prohibited
8 depiction's contents, did not retransmit the prohibited
9 depiction and immediately reported the receipt of the prohibited
10 depiction to the employee's immediate supervisor.

11 (c) Definitions.--As used in this section, the following
12 words and phrases shall have the meanings given to them in this
13 subsection unless the context clearly indicates otherwise:

14 "Explicit sexual materials." An image of a person or portion
15 of the human body that depicts nudity or sexual conduct.

16 "Nudity." Showing of the human male or female genitals,
17 pubic area or buttocks with less than a fully opaque covering
18 or showing the female breast with less than a fully opaque
19 covering of any portion of the female breast below the top of
20 the nipple.

21 "Sexual conduct." Sexual intercourse, anal or oral sodomy,
22 sexual bestiality, masturbation, excretory functions or
23 sadomasochistic abuse.

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