

with pari-mutuel wagering on the results thereof; creating the State Harness Racing Commission as a departmental administrative commission within the Department of Agriculture and defining its powers and duties; providing for the establishment and operation of harness racing plants subject to local option; imposing taxes on revenues of such plants; disposing of all moneys received by the commission and all moneys collected from the taxes; authorizing penalties; and making appropriations," is amended to read:

Section 5. Pari-mutuel Betting at Harness Races.—No more than four corporations shall be licensed by the State Harness Racing Commission in any one year to conduct a pari-mutuel meet or meets. No corporation shall be licensed to conduct harness racing for more than [fifty] sixty-two days in any calendar year. Said pari-mutuel betting conducted at such meeting shall be under the general supervision and control of the State Harness Racing Commission which shall make rules regulating the conduct of such pari-mutuel betting in accordance with the provisions of this act. The Department of Revenue is charged with the financial administration of pari-mutuel betting as prescribed in this act and as supplemented by the rules and regulations of the State Harness Racing Commission. The Department of Revenue shall have authority to prescribe the forms and the system of accounting to be employed, and through its representatives shall, at all times, have power of access to, and examination of, any equipment relating to such betting.

Section 2. This act shall take effect immediately.

APPROVED—The 6th day of October, A. D. 1965.

WILLIAM W. SCRANTON

No. 297

AN ACT

SB 767

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," defining a trade secret, prohibiting the theft or other unlawful appropriation of a trade secret and prescribing penalties.

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

Section 1. The act of June 24, 1939 (P. L. 872), known as "The

Penal Code," is amended by adding after section 899.1, a new section to read:

Section 899.2. Theft of Trade Secrets.—(a) For the purposes of this section:

(1) The word "article" means any object, material, device or substance or copy thereof, including any writing, record, recording, drawing, description, sample, specimen, prototype, model, photograph, micro-organism, blueprint or map.

(2) The word "representing" means describing, depicting, containing, constituting, reflecting or recording.

(3) The term "trade secret" means the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula or improvement which is of value and has been specifically identified by the owner as of a confidential character, and which has not been published or otherwise become a matter of general public knowledge. There shall be a rebuttable presumption that scientific or technical information has not been published or otherwise become a matter of general public knowledge when the owner thereof takes measures to prevent it from becoming available to persons other than those selected by him to have access thereto for limited purposes.

(4) The word "copy" means any facsimile, replica, photograph or reproduction of, an article, or any note, drawing, sketch, or description made of, or from an article.

(b) Whoever, with intent to wrongfully deprive of, or withhold from the owner, the control of a trade secret, or with intent to wrongfully appropriate a trade secret for his use, or for the use of another—

(1) Unlawfully obtains possession of, or access to, an article representing a trade secret; or

(2) Having lawfully obtained possession of an article representing a trade secret, or access thereto, converts such article to his own use or that of another person, while having possession thereof or access thereto

makes, or causes to be made, a copy of such article, or exhibits such article to another, is guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine not exceeding two thousand dollars (\$2,000), or undergo imprisonment not exceeding two (2) years, or both.

(c) Whoever—

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

(2) Wilfully and maliciously enters any building or other structure with intent to obtain unlawful possession of, or access to, an article representing a trade secret, is guilty of a felony and upon conviction thereof, shall be sentenced to pay a fine of five thousand dollars (\$5,000), or undergo imprisonment not exceeding five (5) years, or both.

(d) The crime or crimes defined in subsections (b) and (c) hereof shall be deemed complete without regard to the further disposition, return, or intent to return, of the article representing a trade secret.

(e) It shall be a complete defense to any prosecution under subsection (b) hereof for the defendant to show that information comprising the trade secret was rightfully known or available to him from a source other than the owner of the trade secret.

Section 2. This act shall take effect immediately.

APPROVED—The 12th day of October, A. D. 1965.

WILLIAM W. SCRANTON

No. 298

AN ACT

HB 465

Amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," prohibiting the abandonment of vehicles on or along highways, and on certain property, providing penalties and suspension of operating privileges and making provisions for distribution of certain fines collected.

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