

No. 2000-24

## AN ACT

SB 1077

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for unlawful use of a computer.

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

Section 1. Section 3933 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 3933. Unlawful use of computer.

(a) Offense defined.—A person commits **[an] *the* offense [if he] of unlawful use of a computer if he, whether in person, electronically or through the intentional distribution of a computer virus:**

(1) accesses, ***exceeds authorization to access***, alters, damages or destroys any computer, computer system, computer network, computer software, computer program or data base or any part thereof, with the intent:

(i) to interrupt the normal functioning of an organization **[or]; or**

(ii) to devise or execute any scheme or artifice to defraud **[or]**, deceive or control property or services by means of false or fraudulent pretenses, representations or promises;

(2) intentionally and without authorization accesses, alters, interferes with the operation of, damages or destroys any computer, computer system, computer network, computer software, computer program or computer data base or any part thereof; **[or]**

(3) intentionally or knowingly and without authorization gives or publishes a password, identifying code, personal identification number or other confidential information about a computer, computer system, computer network or data base~~].~~; **or**

(4) ***intentionally or knowingly engages in a scheme or artifice, including, but not limited to, a denial of service attack, upon any computer, computer system, computer network, computer software, computer program, computer server or data base or any part thereof that is designed to block, impede or deny the access of information or initiation or completion of any sale or transaction by users of that computer, computer system, computer network, computer software, computer program, computer server or data base or any part thereof.***

(b) Grading.—An offense under subsection (a)(1) is a felony of the third degree. An offense under subsection (a)(2) **[or (3)], (3) or (4)** is a misdemeanor of the first degree.

(c) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

“Access.” To intercept, instruct, communicate with, store data in, retrieve data from or otherwise make use of any resources of a computer, computer system, computer network or data base.

“Computer.” An electronic, magnetic, optical, hydraulic, organic or other high speed data processing device or system which performs logic, arithmetic or memory functions and includes all input, output, processing, storage, software or communication facilities which are connected or related to the device in a system or network.

“Computer network.” The interconnection of two or more computers through the usage of satellite, microwave, line or other communication medium.

“Computer program.” An ordered set of instructions or statements and related data that, when automatically executed in actual or modified form in a computer system, causes it to perform specified functions.

“Computer software.” A set of computer programs, procedures and associated documentation concerned with the operation of a computer system.

“Computer system.” A set of related, connected or unconnected computer equipment, devices and software.

***“Computer virus.” A computer program copied to or installed on a computer, computer network, computer program, computer software or computer system without the informed consent of the owner of the computer, computer network, computer program, computer software or computer system that may replicate itself and that causes unauthorized activities within or by the computer, computer network, computer program, computer software or computer system.***

“Data base.” A representation of information, knowledge, facts, concepts or instructions which are being prepared or processed or have been prepared or processed in a formalized manner and are intended for use in a computer, computer system or computer network, including, but not limited to, computer printouts, magnetic storage media, punched cards or data stored internally in the memory of the computer.

“Financial instrument.” Includes, but is not limited to, any check, draft, warrant, money order, note, certificate of deposit, letter of credit, bill of exchange, credit or debit card, transaction authorization mechanism, marketable security or any computer system representation thereof.

“Property.” Includes, but is not limited to, financial instruments, computer software and programs in either machine or human readable form, and anything of value, tangible or intangible.

“Services.” Includes, but is not limited to, computer time, data processing and storage functions.

***(d) Restitution.—Upon conviction under this section for the intentional distribution of a computer virus, the sentence shall include an order for the defendant to reimburse the victim for:***

*(1) the cost of repairing or, if necessary, replacing the affected computer, computer system, computer network, computer software, computer program or data base;*

*(2) lost profit for the period that the computer, computer system, computer network, computer software, computer program or data base is not usable; or*

*(3) the cost of replacing or restoring the data lost or damaged as a result of a violation of this section.*

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

APPROVED—The 26th day of May, A.D. 2000.

THOMAS J. RIDGE