

18 Pa.C.S. § 7601

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§ 7601. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“*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 database.

“*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 data.*” —A representation of information, knowledge, facts, concepts or instructions which is being prepared or has been prepared and is intended to be processed, is being processed or has been processed in a computer or computer network and may be in any form, whether readable only by a computer or only by a human or by either, including, but not limited to, computer printouts, magnetic storage media, punched card or stored internally in the memory of the computer.

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

“*Computer operation.*” —Arithmetic, logical, monitoring, storage or retrieval functions and any combination thereof, including, but not limited to, communication with, storage of data to or retrieval of data from any device or human hand manipulation of electronic or magnetic impulses. In reference to a particular computer, the term also includes any function for which that computer was generally designed.

“*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 or 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, created on or installed to 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 or can cause unauthorized activities within or by the computer, computer network, computer program, computer software or computer system.

“Database.” —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.

“Denial-of-service attack.” —An explicit attempt to prevent legitimate users of a service from using that service, including, but not limited to:

- (1) flooding a network, thereby preventing legitimate network traffic;
- (2) disrupting connections between two computers, thereby preventing access to a service;
- (3) preventing a particular person from accessing a service; or
- (4) disrupting service to a specific computer system or person.

“Deprive.” —To withhold property of another permanently or for so extended a period as to appropriate a major portion of its economic value, or with intent to restore only upon payment of reward or other compensation, or to dispose of the property so as to make it unlikely that the owner will recover it.

“Economic value.” —The market value of property or an instrument which creates, releases, discharges or otherwise affects a valuable legal right, privilege or obligation at the time and place of the crime or, if such cannot be satisfactorily ascertained, the cost of replacement of the property or instrument within a reasonable time after the crime.

“Electronic mail service provider.” —A person who is an intermediary in sending or receiving electronic mail or who provides to end-users of electronic mail services the ability to send or receive electronic mail.

“Electronic mail transmission information.” —Information used to identify the origin or destination of a transmission or to aid in its routing, including information recorded as part of electronic mail whether or not such information is displayed initially to the user upon receipt of electronic mail, that purports to represent the information used to identify the origin or destination of a transmission or to aid in its routing.

“Established business relationship.” —A prior or existing relationship formed by a voluntary two-way communication initiated by a person or entity and a recipient with or without an exchange of consideration, on the basis of an inquiry, application purchase or transaction by

the recipient regarding products or services offered by such persons or entity. In regard to an inquiry, the person or entity shall obtain the consent of a recipient beyond the initial inquiry. An established business relationship does not exist if the recipient requests to be removed from the distribution lists of an initiator.

“Fax.” —The transmission of the facsimile of a document through a connection with a telephone or computer network.

“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.

“Internet service provider.” —A person who furnishes a service that enables users to access content, information, electronic mail or other services offered over the Internet.

“Person.” —Any individual, corporation, partnership, association, organization or entity capable of holding a legal or beneficial interest in property.

“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.

“Telecommunication device.” —Any type of instrument, device, machine or equipment which is capable of transmitting, acquiring, decrypting or receiving any telephonic, electronic, data, Internet access, audio, video, microwave or radio transmissions, signals, communications or services, including the receipt, acquisition, transmission or decryption of all such communications, transmissions, signals or services over any cable television, telephone, satellite, microwave, radio or wireless distribution system or facility, or any part, accessory or component thereof, including any computer circuit, security module, smart card, software, computer chip, electronic mechanism or other component, accessory or part which is capable of facilitating the transmission, decryption, acquisition or reception of all such communications transmissions, signals or services.

“Wireless advertisement.” —The initiation of a telephone call or a message capable of providing text, graphic or image messages by a commercial mobile service provider, unlicensed wireless services provider or common carrier wireless exchange access service provider for the purpose of marketing goods or services. The term does not include a call or message to a person with that person’s prior express invitation or permission or to a person with whom the caller has an established business relationship.

“World Wide Web.” —Includes, but is not limited to, a computer server-based file archive accessible over the Internet, using a hypertext transfer protocol, file transfer protocol or other similar protocols.

History

Act 2002-226 (S.B. 1402), P.L. 1953, § 3, approved Dec. 16, 2002, eff. in 60 days.

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