



MEMORANDUM

TO: The Pennsylvania Senate

FROM: Elizabeth Randol, Legislative Director, ACLU of Pennsylvania

DATE: October 3, 2023

RE: OPPOSITION TO SB 563 P.N. 1145 (PHILLIPS-HILL)

Bill summary: [SB 563](#) (PN 1145) would amend [Chapter 76 of Title 18](#) by adding a new Subchapter F (Ransomware) that makes the possession, use, sale, threat to use ransomware or inducement of another person to commit one of these acts a crime. It would authorize civil actions by victims of a ransomware attack and would require the Office of Administration to study the susceptibility, preparedness and ability to respond on the part of Commonwealth agencies to ransomware attacks.

On behalf of over 100,000 members and supporters of the ACLU of Pennsylvania, I respectfully urge you to oppose Senate Bill 563.

SB 563 would create several duplicative computer-related offenses.

SB 563 would create a broadly defined **new offense** under § 7673; **four new suboffenses** under § 7673 that range from a first-degree misdemeanor to a first-degree felony; and **three criminal penalty enhancements**.

Many of the actions described in SB 563 could be charged under one or more the offenses currently provided for under [Chapter 76: Computer offenses](#), **all** of which are graded as third-degree felonies, the same offense grading provided under SB 563:

- § 7611. Unlawful use of computer and other computer crimes.
- § 7612. Disruption of service.
- § 7613. Computer theft.
- § 7614. Unlawful duplication.
- § 7615. Computer trespass.
- § 7616. Distribution of computer virus.

The ACLU-PA, however, does support some important provisions included in the bill. Particularly helpful are the notification requirements under § 7677 and the requirement to study the susceptibility, preparedness, and ability of commonwealth agencies to respond to ransomware attacks under § 7681. All of these provisions would greatly enhance security protocols and protections for Pennsylvania government and its residents.

Unfortunately, the strength of those provisions cannot outweigh the excessive criminal penalties provided for under the bill.

For these reasons, we urge you to oppose Senate Bill 563.