

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL NO. 573

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Barve” and substitute “Delegates Barve, Franchot, Eckardt, Fulton, Goldwater, Gordon, Hill, Krysiak, Love, Moe, Pendergrass, and Walkup”.

AMENDMENT NO. 2

On page 1, strike in its entirety line 2 and substitute:

“Business Regulation - Unsolicited Electronic Mail - Electronic Mail Falsification”;

and strike in their entirety lines 3 through 9, inclusive, and substitute:

“FOR the purpose of prohibiting a person from falsifying certain electronic mail information or distributing certain software to send unsolicited bulk electronic mail under certain circumstances; prohibiting a person from violating the policies of a Maryland-based Internet service provider concerning the use of the Internet electronic mail system of the provider; providing certain penalties; and generally relating to the misuse of electronic mail.”.

AMENDMENT NO. 3

On pages 1 through 3, strike in their entirety the lines beginning with line 19 on page 1 through line 23 on page 3, inclusive, and substitute:

“(A) IN THIS SECTION, “ELECTRONIC MAIL” MEANS THE TRANSMISSION OF INFORMATION OR A COMMUNICATION BY THE USE OF A COMPUTER OR OTHER ELECTRONIC MEANS SENT TO A PERSON IDENTIFIED BY A UNIQUE ADDRESS AND RECEIVED BY THAT PERSON.

(B) A PERSON MAY NOT INTENTIONALLY, WILLFULLY, OR WITHOUT

(Over)

AUTHORIZATION:

(1) FALSIFY ELECTRONIC MAIL HEADER INFORMATION OR OTHER INTERNET ROUTING INFORMATION TO SEND UNSOLICITED BULK ELECTRONIC MAIL THROUGH OR INTO THE FACILITIES OF AN ELECTRONIC MAIL SERVICE PROVIDER OR A SUBSCRIBER OF THE PROVIDER; OR

(2) SELL, GIVE, OR OTHERWISE DISTRIBUTE OR POSSESS WITH THE INTENT TO SELL, GIVE, OR DISTRIBUTE SOFTWARE THAT FACILITATES OR ENABLES THE FALSIFICATION OF ELECTRONIC MAIL HEADER INFORMATION OR OTHER INTERNET ROUTING INFORMATION TO SEND UNSOLICITED BULK ELECTRONIC MAIL THROUGH OR INTO THE FACILITIES OF AN ELECTRONIC MAIL SERVICE PROVIDER OR A SUBSCRIBER OF THE PROVIDER.

(C) A PERSON MAY NOT INTENTIONALLY, WILLFULLY, OR WITHOUT AUTHORIZATION VIOLATE THE POLICIES OF A MARYLAND-BASED INTERNET SERVICE PROVIDER CONCERNING THE USE OF THE INTERNET ELECTRONIC MAIL SYSTEM OF THE PROVIDER.

(D) (1) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$500 OR TO IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH.

(2) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$500 FOR EACH VIOLATION OR ACTUAL DAMAGES, WHICHEVER IS GREATER.”.