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HB 619/96 - JUD

1997 Regular Session  
7lr1571

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**By: Delegates Rosenberg, Barve, Frank, Kopp, Dembrow, Turner, Getty, T. Murphy, Petzold, and D. Davis**

Introduced and read first time: January 31, 1997

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 1997

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CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Crimes - Electronic Mail Misuse - Penalties**

3 FOR the purpose of amending provisions of law relating to misuse of telephones to  
4 provide that the prohibitions are also applicable to electronic mail ~~and other similar~~  
5 ~~electronic communications~~; making stylistic changes; making provisions of a certain  
6 statute severable; and generally relating to misuse of electronic mail ~~or other~~  
7 ~~electronic communications~~.

8 BY repealing and reenacting, with amendments,  
9 Article 27 - Crimes and Punishments  
10 Section 555A to be under the amended subheading "Telephone and Electronic  
11 Mail Misuse"  
12 Annotated Code of Maryland  
13 (1996 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article 27 - Crimes and Punishments**

17 Telephone AND ELECTRONIC MAIL Misuse

18 555A.

19 (A) It is unlawful for any person to [make use of] USE telephone facilities or  
20 equipment, OR ELECTRONIC MAIL ~~OR SIMILAR ELECTRONIC COMMUNICATION~~ [(1)  
21 for];

2

1 (1) FOR an anonymous ~~call or calls~~ COMMUNICATION if in a manner  
2 reasonably to be expected to annoy, abuse, torment, harass, or embarrass one or more  
3 persons; [(2) for]

4 (2) FOR repeated ~~calls~~ COMMUNICATIONS, if with intent to annoy, abuse,  
5 torment, harass, or embarrass one or more persons; or [(3) for]

6 (3) FOR any comment, request, suggestion or proposal which is obscene,  
7 lewd, lascivious, filthy, or indecent.

8 (B) Any person violating any one of the provisions of this section is guilty of a  
9 misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than  
10 [\$500.00] \$500 or to imprisonment for not more than [three (3)] 3 years, or both, in the  
11 discretion of the court.

12 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of Article  
13 27, § 555A of the Code or the application thereof to any person or circumstance is held  
14 invalid for any reason in a court of competent jurisdiction, the invalidity does not affect  
15 other provisions or any other application of Article 27, § 555A which can be given effect  
16 without the invalid provision or application, and for this purpose the provisions of Article  
17 27, § 555A are declared severable.

18 SECTION 2- 3. AND BE IT FURTHER ENACTED, That this Act shall take  
19 effect October 1, 1997.