

HOUSE BILL 140

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HB 778/97 - JUD

1998 Regular Session
8lr0101
CF 8lr1753

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

Introduced and read first time: January 19, 1998
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 1998

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of prohibiting a person from using electronic mail in a certain
4 manner ~~and with a certain intent~~ under certain circumstances; providing
5 certain penalties; defining a certain term; and generally relating to the misuse
6 of electronic mail.

7 BY adding to
8 Article 27 - Crimes and Punishments
9 Section 555C to be under the amended subheading "Telephone and Electronic
10 Mail Misuse"
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 1997 Supplement)

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

15 **Article 27 - Crimes and Punishments**

16 Telephone AND ELECTRONIC MAIL Misuse

17 555C.

18 (A) IN THIS SECTION, "ELECTRONIC MAIL" MEANS A COMMUNICATION OR
19 MESSAGE SENT TO A SPECIFIC PERSON OR PERSONS THROUGH THE USE OF A
20 COMPUTER AND INTENDED TO BE RECEIVED BY A COMPUTER THE TRANSMISSION
21 OF INFORMATION OR A COMMUNICATION BY THE USE OF A COMPUTER OR OTHER

1 ELECTRONIC MEANS SENT TO A PERSON IDENTIFIED BY A UNIQUE ADDRESS AND
2 RECEIVED BY THAT PERSON.

3 (B) A PERSON MAY NOT USE ELECTRONIC MAIL:

4 (1) FOR AN ANONYMOUS COMMUNICATION IF IN A MANNER
5 REASONABLY TO BE EXPECTED TO ANNOY, ABUSE, TORMENT, HARASS, OR
6 EMBARRASS ONE OR MORE PERSONS; OR

7 (2) FOR REPEATED COMMUNICATIONS, IF WITH INTENT TO ANNOY,
8 ABUSE, TORMENT, HARASS, OR EMBARRASS ONE OR MORE PERSONS; ~~OR,~~

9 ~~(3) FOR ANY COMMENT, REQUEST, SUGGESTION, OR PROPOSAL WHICH~~
10 ~~IS OBSCENE, LEWD, LASCIVIOUS, FILTHY, OR INDECENT, IF WITH INTENT TO ANNOY,~~
11 ~~ABUSE, TORMENT, HARASS, OR EMBARRASS ONE OR MORE PERSONS.~~

12 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
13 AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$500 OR TO
14 IMPRISONMENT FOR NOT MORE THAN ~~3 YEARS~~ 1 YEAR OR BOTH.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 1998.