

SENATE BILL 222

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E1

1998 Regular Session
(8lr1753)

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Senators Hogan and Teitelbaum**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

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 a
5 certain exception; providing certain penalties; defining a certain term; and
6 generally relating to the misuse 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:

1 Article 27 - Crimes and Punishments

2 Telephone AND ELECTRONIC MAIL Misuse

3 555C.

4 (A) IN THIS SECTION, "ELECTRONIC MAIL" MEANS ~~A COMMUNICATION OR~~
 5 ~~MESSAGE SENT TO A SPECIFIC PERSON OR PERSONS THROUGH THE USE OF A~~
 6 ~~COMPUTER AND INTENDED TO BE RECEIVED BY A COMPUTER~~ THE TRANSMISSION
 7 OF INFORMATION OR A COMMUNICATION BY THE USE OF A COMPUTER OR OTHER
 8 ELECTRONIC MEANS SENT TO A PERSON IDENTIFIED BY A UNIQUE ADDRESS AND
 9 RECEIVED BY THAT PERSON.

10 (B) THIS SECTION DOES NOT APPLY TO ANY PEACEABLE ACTIVITY INTENDED
 11 TO EXPRESS POLITICAL VIEWS OR PROVIDE INFORMATION TO OTHERS.

12 ~~(B)~~ (C) A PERSON MAY NOT USE ELECTRONIC MAIL:

13 (1) ~~FOR AN ANONYMOUS COMMUNICATION IF IN A MANNER~~
 14 ~~REASONABLY TO BE EXPECTED TO ANNOY, ABUSE, TORMENT, HARASS, OR~~
 15 ~~EMBARRASS ONE OR MORE PERSONS;~~

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

18 (3) ~~FOR ANY COMMENT, REQUEST, SUGGESTION, OR PROPOSAL WHICH~~
 19 ~~IS OBSCENE, LEWD, LASCIVIOUS, FILTHY, OR INDECENT, IF WITH INTENT TO ANNOY,~~
 20 ~~ABUSE, TORMENT, HARASS, OR EMBARRASS ONE OR MORE PERSONS. FOR A~~
 21 COMMUNICATION MADE WITH INTENT TO HARASS:

22 (1) ONE OR MORE PERSONS; OR

23 (2) BY SENDING LEWD, LASCIVIOUS, OR OBSCENE MATERIAL.

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

27 (E) IT IS NOT A VIOLATION OF THIS SECTION FOR A PROVIDER OF
 28 ELECTRONIC MAIL, ITS OFFICERS, EMPLOYEES, AND AGENTS, LANDLORDS,
 29 CUSTODIANS, OR OTHER PERSONS TO PROVIDE INFORMATION, FACILITIES, OR
 30 TECHNICAL ASSISTANCE TO PERSONS AUTHORIZED BY FEDERAL OR STATE LAW TO
 31 INTERCEPT OR PROVIDE ELECTRONIC MAIL COMMUNICATIONS OR TO CONDUCT
 32 ELECTRONIC MAIL SURVEILLANCE, IF THE PROVIDER, ITS OFFICERS, EMPLOYEES,
 33 OR AGENTS, LANDLORD, CUSTODIAN, OR OTHER SPECIFIED PERSON HAS BEEN
 34 PROVIDED WITH A COURT ORDER SIGNED BY THE AUTHORIZING JUDGE DIRECTING
 35 THE PROVISION OF INFORMATION, FACILITIES, OR TECHNICAL ASSISTANCE.

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

