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By: **Delegates Franchot, Hixson, Heller, and Cryor**  
Introduced and read first time: February 12, 1999  
Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Commerce - Electronic Mail Falsification - Prohibition of Unsolicited Bulk**  
3                                   **Mail**

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

10 BY repealing and reenacting, with amendments,  
11 Article 27 - Crimes and Punishments  
12 Section 555C  
13 Annotated Code of Maryland  
14 (1996 Replacement Volume and 1998 Supplement)

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

17                                   **Article 27 - Crimes and Punishments**

18 555C.

19 (a) In this section, "electronic mail" means the transmission of information or  
20 a communication by the use of a computer or other electronic means sent to a person  
21 identified by a unique address and received by that person.

22 (b) This section does not apply to any peaceable activity intended to express  
23 political views or provide information to others.

24 (c) A person may not use electronic mail for a communication made with  
25 intent to harass:

26 (1) One or more persons; or

27 (2) By sending lewd, lascivious, or obscene material.

1 (D) A PERSON MAY NOT INTENTIONALLY, WILLFULLY, OR WITHOUT  
2 AUTHORIZATION:

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

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

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

17 [(d)] (F) (1) A person who violates SUBSECTION (C) OR (D) of this section is  
18 guilty of a misdemeanor and on conviction is subject to a fine of not more than \$500  
19 or to imprisonment for not more than 1 year or both.

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

23 [(e)] (G) It is not a violation of this section for a provider of electronic mail, its  
24 officers, employees, and agents, landlords, custodians, or other persons to provide  
25 information, facilities, or technical assistance to persons authorized by federal or  
26 State law to intercept or provide electronic mail communications or to conduct  
27 electronic mail surveillance, if the provider, its officers, employees, or agents,  
28 landlord, custodian, or other specified person has been provided with a court order  
29 signed by the authorizing judge directing the provision of information, facilities, or  
30 technical assistance.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 1999.