
By: ~~Delegates Franchot, Hixson, Heller, and Cryor~~ Cryor, and Barve

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Assigned to: Economic Matters

Reassigned: Judiciary, February 18, 1999

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 1, 1999

CHAPTER _____

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 selling, giving, or distributing certain software to send
6 unsolicited bulk electronic mail under certain circumstances; ~~prohibiting a~~
7 ~~person from violating the policies of a Maryland-based Internet service provider~~
8 ~~concerning the use of the Internet electronic mail system of the provider;~~
9 providing certain penalties; and generally relating to the misuse of electronic
10 mail.

11 BY repealing and reenacting, with amendments,
12 Article 27 - Crimes and Punishments
13 Section 555C
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 1998 Supplement)

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

18 **Article 27 - Crimes and Punishments**

19 555C.

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

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

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

5 (1) One or more persons; or

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

7 (D) A PERSON MAY NOT INTENTIONALLY, WILLFULLY, OR WITHOUT
8 AUTHORIZATION:

9 (1) FALSIFY 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; OR

13 (2) SELL, GIVE, OR OTHERWISE DISTRIBUTE OR POSSESS WITH THE
14 INTENT TO SELL, GIVE, OR DISTRIBUTE SOFTWARE THAT FACILITATES OR ENABLES
15 THE FALSIFICATION OF ELECTRONIC MAIL HEADER INFORMATION OR OTHER
16 INTERNET ROUTING INFORMATION TO SEND UNSOLICITED BULK ELECTRONIC MAIL
17 THROUGH OR INTO THE FACILITIES OF AN ELECTRONIC MAIL SERVICE PROVIDER OR
18 A SUBSCRIBER OF THE PROVIDER WITH KNOWLEDGE THAT THE SOFTWARE IS
19 INTENDED TO BE USED TO VIOLATE ITEM (1) OF THIS SUBSECTION.

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

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

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

30 [(e)] ~~(G)~~ (F) It is not a violation of this section for a provider of electronic
31 mail, its officers, employees, and agents, landlords, custodians, or other persons to
32 provide information, facilities, or technical assistance to persons authorized by
33 federal or State law to intercept or provide electronic mail communications or to
34 conduct electronic mail surveillance, if the provider, its officers, employees, or agents,
35 landlord, custodian, or other specified person has been provided with a court order
36 signed by the authorizing judge directing the provision of information, facilities, or
37 technical assistance.

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

