
By: **Delegate Snodgrass**
Introduced and read first time: February 7, 2002
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Harassment - Internet Use**

3 FOR the purpose of prohibiting a person from posting or causing to be posted certain
4 information about an individual on the Internet with the intent to harass the
5 individual or cause the individual to be harassed; providing that an owner or
6 operator of an Internet web hosting service shall not be liable under certain
7 circumstances; requiring an owner or operator to remove certain information
8 within a certain time period if a certain request is made; providing that this Act
9 does not apply in certain circumstances; establishing a certain penalty;
10 providing that each day certain information appears on the Internet is a
11 separate violation; defining a certain term; and generally relating to
12 harassment and Internet use.

13 BY adding to
14 Article - Criminal Law
15 Section 3-807
16 Annotated Code of Maryland
17 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
18 2002)

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

21 **Article - Criminal Law**

22 3-807.

23 (A) IN THIS SECTION, "PERSONAL IDENTIFYING INFORMATION" MEANS A
24 NAME, ADDRESS, TELEPHONE NUMBER, ELECTRONIC MAIL ADDRESS, DRIVER'S
25 LICENSE NUMBER, SOCIAL SECURITY NUMBER, PLACE OF EMPLOYMENT,
26 PROFESSION, OCCUPATION, EMPLOYEE IDENTIFICATION NUMBER, MOTHER'S
27 MAIDEN NAME, BANK OR OTHER FINANCIAL INSTITUTION ACCOUNT NUMBER, DATE
28 OF BIRTH, PERSONAL IDENTIFICATION NUMBER, OR CREDIT CARD NUMBER.

1 (B) A PERSON MAY NOT POST OR CAUSE TO BE POSTED AN INDIVIDUAL'S
2 PERSONAL IDENTIFYING INFORMATION ON THE INTERNET WITH THE INTENT TO:

3 (1) HARASS THE INDIVIDUAL; OR

4 (2) CAUSE ANOTHER PERSON TO HARASS THE INDIVIDUAL.

5 (C) (1) IF AN OWNER OR OPERATOR OF AN INTERNET WEB HOSTING
6 SERVICE, WITHOUT KNOWLEDGE OF THE SUPPLIER'S INTENT, RECEIVES PERSONAL
7 IDENTIFYING INFORMATION FROM SOMEONE OTHER THAN THE INDIVIDUAL TO
8 WHOM IT APPLIES, THE OWNER OR OPERATOR MAY NOT BE HELD LIABLE FOR A
9 VIOLATION OF THIS SECTION.

10 (2) AN OWNER OR OPERATOR WHO RECEIVES A WRITTEN REQUEST TO
11 REMOVE PERSONAL IDENTIFYING INFORMATION POSTED ON THE INTERNET IN
12 VIOLATION OF THIS SECTION FROM THE PERSON TO WHOM PERSONAL IDENTIFYING
13 INFORMATION APPLIES SHALL REMOVE THE PERSONAL IDENTIFYING INFORMATION
14 WITHIN 3 DAYS OF RECEIVING THE REQUEST.

15 (D) THIS SECTION DOES NOT APPLY TO POSTING OF PERSONAL IDENTIFYING
16 INFORMATION:

17 (1) WHICH IS SPECIFICALLY AUTHORIZED BY A FEDERAL OR STATE
18 STATUTE;

19 (2) REGARDING ELECTED OFFICIALS OR GOVERNMENTAL APPOINTEES
20 TO THE EXTENT THE PERSONAL IDENTIFYING INFORMATION IS OTHERWISE
21 PUBLICLY AVAILABLE AND REASONABLY RELATED TO THE INDIVIDUAL'S PUBLIC
22 STATURE; AND

23 (3) WHICH IS REASONABLY RELATED TO THE EXPRESSION OF
24 POLITICAL VIEWS.

25 (E) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
26 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
27 EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,500 OR BOTH.

28 (2) EACH DAY PERSONAL IDENTIFYING INFORMATION APPEARS ON THE
29 INTERNET IS A SEPARATE VIOLATION UNDER THIS SECTION.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2002.