

HOUSE BILL 344

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8lr1534

By: **Delegates Kipke, Aumann, Barve, Benson, Bromwell, Costa, Donoghue, Eckardt, Elliott, Elmore, Frush, Gaines, George, Haddaway, Hubbard, King, Krebs, Kullen, McDonough, Montgomery, Myers, Norman, Pena-Melnyk, Reznik, Rice, Schuh, Smigiel, F. Turner, V. Turner, and Weldon**

Introduced and read first time: January 25, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - On-Line Harassment**

3 FOR the purpose of expanding the scope of the existing prohibition against using
4 electronic mail with the intent to harass to include making an Internet
5 transmission or posting; repealing a certain provision prohibiting the use of
6 electronic mail with the intent to harass in a more limited manner than the
7 general provision; and generally relating to on-line harassment.

8 BY repealing and reenacting, with amendments,
9 Article - Criminal Law
10 Section 3-805
11 Annotated Code of Maryland
12 (2002 Volume and 2007 Supplement)

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

15 **Article - Criminal Law**

16 3-805.

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

20 (b) A person may not use electronic mail **OR MAKE AN INTERNET**
21 **TRANSMISSION OR POSTING** with the intent to harass[:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1)] one or more persons[; or

2 (2) by sending lewd, lascivious, or obscene material].

3 (c) It is not a violation of this section for any of the following persons to
4 provide information, facilities, or technical assistance to another who is authorized by
5 federal or State law to intercept or provide electronic mail or to conduct surveillance of
6 electronic mail, if a court order directs the person to provide the information, facilities,
7 or technical assistance:

8 (1) a provider of electronic mail;

9 (2) an officer, employee, agent, landlord, or custodian of a provider of
10 electronic mail; or

11 (3) a person specified in a court order directing the provision of
12 information, facilities, or technical assistance to another who is authorized by federal
13 or State law to intercept or provide electronic mail or to conduct surveillance of
14 electronic mail.

15 (d) This section does not apply to a peaceable activity intended to express a
16 political view or provide information to others.

17 (e) A person who violates this section is guilty of a misdemeanor and on
18 conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500
19 or both.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2008.