

HCS HB 640 -- UNSOLICITED COMMERCIAL ELECTRONIC MAIL

SPONSOR: Rector (Pearce)

COMMITTEE ACTION: Voted "do pass" by the Committee on Utilities by a vote of 13 to 0.

This substitute creates the crime of aggravated fraudulent transmission of multiple commercial electronic mail messages, a class C felony. The Attorney General or any e-mail service provider that is injured by a violation of the provisions of the substitute may bring a civil action against an offender. The civil action must be commenced at any time within two years of the transmission. The court may impose a civil penalty against the offender in an amount that is the lesser of \$25,000 for each day a violation occurs or not less than \$2 but not more than \$8 for each commercial e-mail message violation. The substitute also restricts the sale or transfer of an unsolicited commercial e-mail recipient's e-mail address information to another person or organization.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Less than \$100,000 in FY 2006, FY 2007, and FY 2008. No impact on Other State Funds in FY 2006, FY 2007, and FY 2008.

PROPOSERS: Supporters say that the bill will reduce unsolicited electronic mail by imposing penalties on those who knowingly mislead individuals about the content of the e-mails. The bill is aimed at deceptive behavior and not businesses who send out mass quantities of legitimate e-mails.

Testifying for the bill were Representative Pearce; AOL; Office of the Attorney General; Missouri Cable and Telephone Association; and Microsoft.

OPPOSERS: Those who oppose the bill say that in its current form, it is unclear whether businesses with prior existing relationships with firms sending their mass e-mails are included within the provisions of the legislation.

Testifying against the bill was Missouri Chamber of Commerce and Industry.

Kristina Jenkins, Legislative Analyst