

HCS HB 640 -- UNSOLICITED COMMERCIAL ELECTRONIC MAIL (Pearce)

COMMITTEE OF ORIGIN: Utilities

This substitute creates the crime of aggravated fraudulent transmission of multiple commercial electronic mail (e-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.