

HB 2372 -- Unsolicited Commercial Electronic Mail

Sponsor: Harris (23)

This bill changes the laws regarding electronic mail transmissions. In its main provisions, the bill:

(1) Prohibits any person from falsifying or forging electronic mail transmission information or other routing information for unsolicited commercial electronic mail or knowingly selling or otherwise transferring software used for falsifying or forging electronic mail information. Anyone violating these provisions will be guilty of a class A misdemeanor;

(2) Creates the crime of aggravated fraudulent transmission of unsolicited commercial electronic mail messages. A person will be guilty of a class C felony if he or she sends a certain specified volume of unauthorized messages in a specified period of time or makes certain specified profits from the messages;

(3) Prohibits any person from knowingly hiring a minor to assist with any electronic mail crime specified in the bill. Anyone violating this provision will be guilty of a class C felony;

(4) Allows the Attorney General or any private electronic mail service provider to bring a civil action seeking injunctive or monetary relief. The types of monetary damages available are specified in the bill;

(5) Specifies that certain types of equipment and software used in violation of the provisions of the bill are subject to seizure and forfeiture; and

(6) Requires individuals sending unsolicited commercial electronic mail to provide a procedure for removing recipients upon request and blocking future electronic mailings.