

House Bill 1424

By: Representatives Mobley of the 58th, Brooks of the 47th, Williams of the 128th, Drenner of the 57th, Beasley-Teague of the 48th, Post 2, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 6 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated,
2 relating to protection of computer systems, so as to prohibit the transmission of unsolicited
3 bulk e-mail; to provide penalties for violations; to provide an effective date; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 6 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to
8 protection of computer systems, is amended by adding a new Code section to read as follows:
9 "16-9-93.2.

10 (a) Any person who:

11 (1) Uses a computer or computer network with the intent to falsify or forge e-mail
12 transmission information or other routing information in any manner in connection with
13 the transmission of unsolicited bulk e-mail through or into the computer network of an
14 e-mail service provider or its subscribers; or

15 (2) Knowingly sells, gives, or otherwise distributes or possesses with the intent to sell,
16 give, or distribute software that:

17 (A) Is primarily designed or produced for the purpose of facilitating or enabling the
18 falsification of e-mail transmission information or other routing information;

19 (B) Has only limited commercially significant purpose or use other than to facilitate
20 or enable the falsification of e-mail transmission information or other routing
21 information; or

22 (C) Is marketed by that person acting alone or with another for use in facilitating or
23 enabling the falsification of e-mail transmission information or other routing
24 information

25 is guilty of a misdemeanor of a high and aggravated nature.

1 (b) A person is guilty of a felony, punishable by up to five years imprisonment and a fine
2 not to exceed \$50,000.00, if he or she commits a violation of subsection (a) of this Code
3 section and:

4 (1) The volume of unsolicited bulk e-mail transmitted exceeded 10,000 attempted
5 recipients in any 24 hour period, 100,000 attempted recipients in any 30 day time period,
6 or one million attempted recipients in any one-year time period; or

7 (2) The revenue generated from a specific unsolicited bulk e-mail transmission exceeded
8 \$1,000.00 or the total revenue generated from all unsolicited bulk e-mail transmitted to
9 any e-mail service provider exceeded \$50,000.00.

10 (c) A person is guilty of a felony, punishable by up to two years imprisonment and a fine
11 not to exceed \$10,000.00, if he or she knowingly hires, employs, uses, or permits any
12 minor to assist in the transmission of unsolicited bulk e-mail in violation of paragraph (1)
13 or (2) of subsection (b) of this Code section."

14 **SECTION 2.**

15 This Act shall become effective on July 1, 2004.

16 **SECTION 3.**

17 All laws and parts of laws in conflict with this Act are repealed.