

The House Committee on Public Utilities & Telecommunications offers the following substitute to HB 1424:

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 commercial e-mail with false or forged transmission information or other routing
4 information; to provide definitions; to provide penalties for violations; to provide an effective
5 date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 6 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to
9 protection of computer systems, is amended by adding a new Code section to read as follows:
10 "16-9-93.2.

11 (a) As used in this Code section, the term 'commercial e-mail' means e-mail that advertises
12 real property, goods, or services for sale or lease. The term does not include e-mail to
13 which an interactive service provider has attached an advertisement in exchange for free
14 use of an e-mail account.

15 (b) Any person who:

16 (1) Uses a computer or computer network with the intent to falsify or forge e-mail
17 transmission information or other routing information in any manner in connection with
18 the transmission of unsolicited commercial e-mail through or into the computer network
19 of an e-mail service provider or its subscribers; or

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

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

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

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

4 is guilty of a misdemeanor punishable by a fine of \$1,000.00 or imprisonment not to
5 exceed six months or both such fine and imprisonment.

6 (c) A person is guilty of a felony, punishable by up to five years imprisonment or a fine
7 not to exceed \$30,000.00 or both such fine and imprisonment, if he or she commits a
8 second or subsequent violation of subsection (b) of this Code section and:

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

12 (2) The revenue generated from a specific unsolicited commercial e-mail transmission
13 exceeded \$1,000.00 or the total revenue generated from all unsolicited commercial e-mail
14 transmitted to any e-mail service provider exceeded \$50,000.00.

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

19 **SECTION 2.**

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

21 **SECTION 3.**

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