

In subsection (a)(1) of this section, the former reference to "calls" is deleted in light of Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (a)(1) and (2) of this section, the word "another" is substituted for the former references to "one or more persons" for brevity. See also Art. 1, § 8.

In subsection (b) of this section, the former phrase "in the discretion of the court" is deleted as implicit in the establishment of a maximum penalty.

Defined term: "Person" § 1-101

3-805. MISUSE OF ELECTRONIC MAIL.

(A) "ELECTRONIC MAIL" DEFINED.

IN THIS SECTION, "ELECTRONIC MAIL" MEANS THE TRANSMISSION OF INFORMATION OR A COMMUNICATION BY THE USE OF A COMPUTER OR OTHER ELECTRONIC MEANS THAT IS SENT TO A PERSON IDENTIFIED BY A UNIQUE ADDRESS AND THAT IS RECEIVED BY THE PERSON.

(B) PROHIBITED.

A PERSON MAY NOT USE ELECTRONIC MAIL WITH THE INTENT TO HARASS:

- (1) ONE OR MORE PERSONS; OR
- (2) BY SENDING LEWD, LASCIVIOUS, OR OBSCENE MATERIAL.

(C) CONSTRUCTION OF SECTION.

IT IS NOT A VIOLATION OF THIS SECTION FOR ANY OF THE FOLLOWING PERSONS TO PROVIDE INFORMATION, FACILITIES, OR TECHNICAL ASSISTANCE TO ANOTHER WHO IS AUTHORIZED BY FEDERAL OR STATE LAW TO INTERCEPT OR PROVIDE ELECTRONIC MAIL OR TO CONDUCT SURVEILLANCE OF ELECTRONIC MAIL, IF A COURT ORDER DIRECTS THE PERSON TO PROVIDE THE INFORMATION, FACILITIES, OR TECHNICAL ASSISTANCE:

- (1) A PROVIDER OF ELECTRONIC MAIL;
- (2) AN OFFICER, EMPLOYEE, AGENT, LANDLORD, OR CUSTODIAN OF A PROVIDER OF ELECTRONIC MAIL; OR
- (3) A PERSON SPECIFIED IN A COURT ORDER DIRECTING THE PROVISION OF INFORMATION, FACILITIES, OR TECHNICAL ASSISTANCE TO ANOTHER WHO IS AUTHORIZED BY FEDERAL OR STATE LAW TO INTERCEPT OR PROVIDE ELECTRONIC MAIL OR TO CONDUCT SURVEILLANCE OF ELECTRONIC MAIL.

(D) EXCEPTION.

THIS SECTION DOES NOT APPLY TO A PEACEABLE ACTIVITY INTENDED TO EXPRESS A POLITICAL VIEW OR PROVIDE INFORMATION TO OTHERS.

(E) PENALTY.