

authorizing the Attorney General to enforce criminal violations of this Act in circuit court or the District Court; providing for the construction of this Act; defining certain terms; and generally relating to the Maryland Spam Control Deterrent Deterrence Act.

BY adding to

Article – Criminal Law

Section 3-805.1

Annotated Code of Maryland

(2002 Volume and 2003 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Criminal Law**

3-805.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "COMMERCIAL ELECTRONIC MAIL MESSAGE" MEANS AN ELECTRONIC MESSAGE SENT PRIMARILY FOR THE PURPOSE OF COMMERCIAL ADVERTISEMENT OR PROMOTION OF:

- (I) A COMMERCIAL PRODUCT;
- (II) A COMMERCIAL SERVICE;
- (III) THE CONTENT ON AN INTERNET WEBSITE; OR
- (IV) A WEBSITE OPERATED FOR A COMMERCIAL PURPOSE.

(3) "DOMAIN NAME" MEANS ANY ALPHANUMERIC DESIGNATION THAT IS REGISTERED WITH OR ASSIGNED BY A DOMAIN NAME REGISTRAR, DOMAIN NAME REGISTRY, OR OTHER DOMAIN NAME REGISTRATION AUTHORITY AS PART OF AN ELECTRONIC MAIL ADDRESS ON THE INTERNET.

(4) "ELECTRONIC MAIL SERVICE PROVIDER" MEANS ANY PERSON, INCLUDING AN INTERNET SERVICE PROVIDER, THAT IS AN INTERMEDIARY IN SENDING AND RECEIVING ELECTRONIC MAIL AND THAT PROVIDES TO THE PUBLIC THE ABILITY TO SEND OR RECEIVE ELECTRONIC MAIL TO OR FROM AN ELECTRONIC MAIL ACCOUNT OR ONLINE USER ACCOUNT.

(4) (5) "FINANCIAL INSTITUTION" HAS THE SAME MEANING AS PROVIDED IN § 1-101 OF THE FINANCIAL INSTITUTIONS ARTICLE.

(5) (6) "HEADER INFORMATION" MEANS THE SOURCE, DESTINATION, AND ROUTING INFORMATION ATTACHED TO AN ELECTRONIC MAIL MESSAGE, INCLUDING THE ORIGINATING DOMAIN NAME AND ORIGINATING ELECTRONIC MAIL ADDRESS, AND ANY OTHER INFORMATION THAT APPEARS IN THE LINE IDENTIFYING OR PURPORTING TO IDENTIFY A PERSON INITIATING THE MESSAGE, AND TECHNICAL