

(I) THE ELECTRONIC MAIL ADDRESSES OF THE RECIPIENTS WERE OBTAINED USING AN AUTOMATED MEANS FROM AN INTERNET WEBSITE OR PROPRIETARY ONLINE SERVICE OPERATED BY ANOTHER PERSON; AND

(II) THE WEBSITE OR ONLINE SERVICE INCLUDED, AT THE TIME THE ADDRESSES WERE OBTAINED, A NOTICE STATING THAT THE OPERATOR OF THE WEBSITE OR ONLINE SERVICE WILL NOT TRANSFER ADDRESSES MAINTAINED BY THE WEBSITE OR ONLINE SERVICE TO ANY OTHER PARTY FOR THE PURPOSES OF INITIATING OR ENABLING OTHERS TO INITIATE ELECTRONIC MAIL MESSAGES; OR

(7) VIOLATE ITEM (1), (2), (3), (4), OR (5) OF THIS SUBSECTION BY PROVIDING OR SELECTING ELECTRONIC MAIL ADDRESSES OF RECIPIENTS OBTAINED USING AN AUTOMATED MEANS THAT GENERATES POSSIBLE ELECTRONIC MAIL ADDRESSES BY COMBINING NAMES, LETTERS, OR NUMBERS INTO NUMEROUS PERMUTATIONS.

(C) (1) A PERSON WHO VIOLATES ~~SUBSECTION (B)~~ SUBSECTION (B)(1), (2), (3), (4), OR (5) OF THIS SECTION IS GUILTY OF A ~~FELONY~~ MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH;

(2) A PERSON WHO VIOLATES ~~SUBSECTION (B)~~ SUBSECTION (B)(1), (2), (3), (4), OR (5) OF THIS SECTION INVOLVING THE TRANSMISSION OF MORE THAN 250 COMMERCIAL ELECTRONIC MAIL MESSAGES DURING A 24-HOUR PERIOD, 2,500 COMMERCIAL ELECTRONIC MAIL MESSAGES DURING ANY 30-DAY PERIOD, OR 25,000 COMMERCIAL ELECTRONIC MAIL MESSAGES DURING ANY 1-YEAR PERIOD IS GUILTY OF A ~~FELONY~~ MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH;

(3) A PERSON WHO VIOLATES ~~SUBSECTION (B)(3)~~ OF THIS SECTION INVOLVING 20 OR MORE ELECTRONIC MAIL ACCOUNTS OR 10 OR MORE DOMAIN NAMES AND INTENTIONALLY INITIATES THE TRANSMISSION OF MULTIPLE COMMERCIAL ELECTRONIC MAIL MESSAGES FROM THE ACCOUNTS OR USING THE DOMAIN NAMES IS GUILTY OF A ~~FELONY~~ MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH;

(4) A PERSON WHO VIOLATES ~~SUBSECTION (B)~~ SUBSECTION (B)(1), (2), (3), (4), OR (5) OF THIS SECTION THAT CAUSES A LOSS OF \$500 OR MORE DURING ANY 1-YEAR PERIOD IS GUILTY OF A ~~FELONY~~ MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH;

(5) A PERSON WHO VIOLATES ~~SUBSECTION (B)~~ SUBSECTION (B)(1), (2), (3), (4), OR (5) OF THIS SECTION IN CONCERT WITH THREE OR MORE OTHER PERSONS AS THE LEADER OR ORGANIZER OF THE ACTION THAT CONSTITUTES THE VIOLATION IS GUILTY OF A ~~FELONY~~ MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH; ~~AND.~~