

Robert L. Ehrlich, Jr.  
Governor

**House Bill No. 1320**

AN ACT concerning

**Maryland Spam ~~Control~~ Deterrence Act**

FOR the purpose of prohibiting a person from using certain protected computers to relay or retransmit certain commercial electronic mail messages with the intent to deceive or mislead recipients or an ~~Internet~~ electronic mail service provider under certain circumstances; prohibiting a person from materially falsifying certain header information in certain commercial electronic mail messages under certain circumstances; prohibiting a person from registering for certain electronic mail accounts or domain names under certain circumstances; prohibiting a person from conspiring to or falsely representing the right to use certain Internet protocol addresses under certain circumstances; providing that certain violations of this Act are misdemeanors; prohibiting the provision or selection of certain electronic mail addresses under certain circumstances; providing for certain penalties and fines for certain violations of this Act under certain circumstances; providing for additional penalties and fines under certain circumstances; authorizing the forfeiture of certain moneys, income, and property under certain circumstances; authorizing the Attorney General to institute a civil action under certain circumstances; providing for a civil penalty; authorizing certain injunctive relief under certain circumstances; authorizing the Attorney General to enforce criminal violations of this Act; providing for the construction of this Act; defining certain terms; and generally relating to the Maryland Spam ~~Control~~ 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: