

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 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) OR (B)(4) 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 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 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 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH; ~~AND~~.

(6) A PERSON WHO VIOLATES ~~SUBSECTION (B)~~ SUBSECTION (B)(1), (2), (3), (4), OR (5) OF THIS SECTION IN FURTHERANCE OF A FELONY, OR WHO HAS PREVIOUSLY BEEN CONVICTED OF AN OFFENSE UNDER THE LAWS OF THIS STATE, ANOTHER STATE, OR UNDER ANY FEDERAL LAW INVOLVING THE TRANSMISSION OF MULTIPLE COMMERCIAL ELECTRONIC MAIL MESSAGES IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH.

(7) A PERSON WHO VIOLATES SUBSECTION (B)(6) OR (7) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(D) IN ADDITION TO ANY OTHER SENTENCE AUTHORIZED BY LAW, THE COURT MAY DIRECT THAT A PERSON CONVICTED OF A VIOLATION OF THIS SECTION FORFEIT TO THE STATE:

(1) ANY MONEYS AND OTHER INCOME, INCLUDING ALL PROCEEDS EARNED BUT NOT YET RECEIVED BY A DEFENDANT FROM A THIRD PARTY AS A RESULT OF THE DEFENDANT'S VIOLATION OF THIS SECTION; AND

(2) ALL COMPUTER EQUIPMENT, COMPUTER SOFTWARE, AND PERSONAL PROPERTY USED IN CONNECTION WITH A VIOLATION OF THIS SECTION KNOWN BY THE OWNER TO HAVE BEEN USED IN VIOLATION OF THIS SECTION.

(E) (1) AN ACTION BROUGHT UNDER THIS SUBSECTION SHALL BE COMMENCED WITHIN 2 YEARS AFTER THE COMMISSION OF THE ACT.