

Article - Business Occupations and Professions

10-605.1.

(a) THIS SECTION APPLIES ONLY TO THE FOLLOWING FORMS OF COMMUNICATION:

- (1) AN AUDIO RECORDING;
- (2) A COMPUTER ON-LINE TRANSMISSION;
- (3) A FACSIMILE TRANSMISSION;
- (4) A LETTER OR OTHER FORM OF WRITTEN COMMUNICATION;
- (5) A TELEGRAPHIC TRANSMISSION;
- (6) A TELEPHONIC TRANSMISSION; AND
- (7) A VIDEO RECORDING.

(B) A lawyer may not send a [written] communication, directly or through an agent, to a prospective client for the purpose of obtaining professional employment if the communication concerns[:

(1) an action for personal injury or wrongful death, or otherwise relates to an accident or disaster involving the person to whom the communication is [addressed] SENT or the person's relative, unless the accident or disaster occurred more than 30 days before the date the communication is [mailed; or

(2) a criminal prosecution, or a prosecution of a traffic offense that carries a period of incarceration, involving the person to whom the communication is addressed or the person's relative, unless the charging document was filed more than 30 days before the date the communication is mailed] SENT.

(b) This section does not apply to a [written] communication sent by a lawyer to a prospective client at the request of the prospective client.

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(c) Except as provided in subsections (a) and (b) of this section, a person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1998.

Approved May 12, 1998.