

## Telephone AND ELECTRONIC MAIL Misuse

555C.

~~(A) IN THIS SECTION, "ELECTRONIC MAIL" MEANS A COMMUNICATION OR MESSAGE SENT TO A SPECIFIC PERSON OR PERSONS THROUGH THE USE OF A COMPUTER AND INTENDED TO BE RECEIVED BY A COMPUTER THE TRANSMISSION OF INFORMATION OR A COMMUNICATION BY THE USE OF A COMPUTER OR OTHER ELECTRONIC MEANS SENT TO A PERSON IDENTIFIED BY A UNIQUE ADDRESS AND RECEIVED BY THAT PERSON.~~

~~(B) THIS SECTION DOES NOT APPLY TO ANY PEACEABLE ACTIVITY INTENDED TO EXPRESS POLITICAL VIEWS OR PROVIDE INFORMATION TO OTHERS.~~

~~(B)~~ (C) A PERSON MAY NOT USE ELECTRONIC MAIL:

~~(1) FOR AN ANONYMOUS COMMUNICATION IF IN A MANNER REASONABLY TO BE EXPECTED TO ANNOY, ABUSE, TORMENT, HARASS, OR EMBARRASS ONE OR MORE PERSONS;~~

~~(2) FOR REPEATED COMMUNICATIONS, IF WITH INTENT TO ANNOY, ABUSE, TORMENT, HARASS, OR EMBARRASS ONE OR MORE PERSONS; OR~~

~~(3) FOR ANY COMMENT, REQUEST, SUGGESTION, OR PROPOSAL WHICH IS OBSCENE, LEWD, LASCIVIOUS, FILTHY, OR INDECENT, IF WITH INTENT TO ANNOY, ABUSE, TORMENT, HARASS, OR EMBARRASS ONE OR MORE PERSONS. FOR A COMMUNICATION MADE WITH INTENT TO HARASS:~~

~~(1) ONE OR MORE PERSONS; OR~~

~~(2) BY SENDING LEWD, LASCIVIOUS, OR OBSCENE MATERIAL.~~

~~(C) (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$500 OR TO IMPRISONMENT FOR NOT MORE THAN ~~2~~ YEARS 1 YEAR OR BOTH.~~

~~(E) IT IS NOT A VIOLATION OF THIS SECTION FOR A PROVIDER OF ELECTRONIC MAIL, ITS OFFICERS, EMPLOYEES, AND AGENTS, LANDLORDS, CUSTODIANS, OR OTHER PERSONS TO PROVIDE INFORMATION, FACILITIES, OR TECHNICAL ASSISTANCE TO PERSONS AUTHORIZED BY FEDERAL OR STATE LAW TO INTERCEPT OR PROVIDE ELECTRONIC MAIL COMMUNICATIONS OR TO CONDUCT ELECTRONIC MAIL SURVEILLANCE, IF THE PROVIDER, ITS OFFICERS, EMPLOYEES, OR AGENTS, LANDLORD, CUSTODIAN, OR OTHER SPECIFIED PERSON HAS BEEN PROVIDED WITH A COURT ORDER SIGNED BY THE AUTHORIZING JUDGE DIRECTING THE PROVISION OF INFORMATION, FACILITIES, OR TECHNICAL ASSISTANCE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1998.

May 21, 1998

The Honorable Thomas V. Mike Miller, Jr.