

By: Representative Fleming

To: Judiciary B

HOUSE BILL NO. 123

1 AN ACT TO PROHIBIT THE USE OF COMPUTERS WITH THE INTENT TO
2 FALSIFY OR FORGE ELECTRONIC MAIL TRANSMISSION INFORMATION OR OTHER
3 ROUTING INFORMATION OR THE SALE OR DISTRIBUTION OF SOFTWARE FOR
4 SUCH PURPOSES; TO PROVIDE PENALTIES FOR VIOLATIONS; AND FOR
5 RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** (1) Any person who:

8 (a) Uses a computer or computer network with the intent
9 to falsify or forge electronic mail transmission information or
10 other routing information in any manner in connection with the
11 transmission of unsolicited bulk electronic mail through or into
12 the computer network of an electronic mail service provider or its
13 subscribers; or

14 (b) Knowingly sells, gives, or otherwise distributes or
15 possesses with the intent to sell, give, or distribute software
16 that (i) is primarily designed or produced for the purpose of
17 facilitating or enabling the falsification of electronic mail
18 transmission information or other routing information; (ii) has
19 only limited commercially significant purpose or use other than to
20 facilitate or enable the falsification of electronic mail
21 transmission information or other routing information; or (iii) is
22 marketed by that person acting alone or with another for use in
23 facilitating or enabling the falsification of electronic mail
24 transmission information or other routing information is guilty of
25 a misdemeanor and, upon conviction, shall be fined not more than
26 One Thousand Dollars (\$1,000.00) or imprisoned in the county jail
27 for not more than one (1) year, or both.

28 (2) A person is guilty of a felony if he commits a violation
29 of subsection (1) and:

30 (a) The volume of unsolicited bulk electronic mail
31 transmitted exceeded ten thousand (10,000) attempted recipients in
32 any twenty-four-hour period, one hundred thousand (100,000)
33 attempted recipients in any thirty-day time period, or one million
34 (1,000,000) attempted recipients in any one-year time period;

35 (b) The revenue generated from a specific unsolicited
36 bulk electronic mail transmission exceeded One Thousand Dollars
37 (\$1,000.00) or the total revenue generated from all unsolicited
38 bulk electronic mail transmitted to any electronic mail service
39 provider exceeded Fifty Thousand Dollars (\$50,000.00); or

40 (c) Any person convicted of a violation of this
41 subsection shall be fined not more than Five Thousand Dollars
42 (\$5,000.00) or imprisoned in the State Penitentiary for not more
43 than five (5) years, or both.

44 (3) A person is guilty of a felony if he knowingly hires,
45 employs, uses, or permits any minor to assist in the transmission
46 of unsolicited bulk electronic mail in violation of subsection (2)
47 and, upon conviction, shall be fined not more than Five Thousand
48 Dollars (\$5,000.00) or imprisoned in the State Penitentiary for
49 not more than five (5) years, or both.

50 **SECTION 2.** This act shall take effect and be in force from
51 and after July 1, 2004.