

**CS FOR HOUSE BILL NO. 401(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/12/00  
Referred: Finance

Sponsor(s): REPRESENTATIVE ROKEBERG

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to computer networks and to electronic mail advertisements."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 \* Section 1. AS 11.46.482(a) is amended to read:

4 (a) A person commits the crime of criminal mischief in the second degree if,  
5 having no right to do so or any reasonable ground to believe the person has such a  
6 right,

7 (1) with intent to damage property of another, the person damages  
8 property of another in an amount of \$500 or more;

9 (2) the person tampers with an oil or gas pipeline or supporting facility  
10 or an airplane or helicopter with reckless disregard for the risk of harm to or loss of  
11 the property; [OR]

12 (3) the person recklessly creates a risk of damage in an amount  
13 exceeding \$100,000 to property of another by the use of widely dangerous means;

14 (4) [REPEALED]

15 (5) [REPEALED]

**(6) with intent to cause a substantial interruption or impairment of a service rendered to the public by another person over a computer network, the person causes substantial interruption or impairment of service to the public.**

\* **Sec. 2.** AS 45.50.471(b) is amended by adding a new paragraph to read:

(43) violating AS 45.50.479 (unsolicited electronic mail advertisements).

\* **Sec. 3.** AS 45.50 is amended by adding a new section to read:

**Sec. 45.50.479. Provider's restriction on use of electronic mail service.** (a)

A registered user of an electronic mail service may not use or cause to be used the provider's service or equipment in violation of the provider's published policy prohibiting or restricting the use of its service or equipment for the initiation of unsolicited advertisements if the user has previously sent an unsolicited advertisement to 25 or more people or has previously been warned by the provider or recipient for sending unsolicited advertisements.

(b) A person may not, by initiating an unsolicited advertisement, use or cause to be used the service or equipment of an electronic mail service provider in violation of the provider's published policy prohibiting or restricting the use of its service or equipment to deliver unsolicited advertisements if the user has previously sent an unsolicited advertisement to 25 or more people or has previously been warned by the provider or a recipient for sending unsolicited advertisements.

(c) This section may not be interpreted to require an electronic mail service provider to adopt a policy prohibiting or restricting the use of its service or equipment for the initiation or delivery of unsolicited advertisements. This section does not limit or restrict the authority of an electronic mail service provider to enforce its policies or to prohibit or restrict the use of its services or equipment.

(d) An electronic mail service provider is considered to have published the provider's policy on unsolicited advertisements if the provider

(1) makes the policy available on request in written form at no charge to the requester; or

(2) displays the policy through an on-line notice on the provider's Internet home page or on a page accessible through a conspicuous link on the

1 provider's Internet home page.

2 (e) In this section,

3 (1) "advertisement" means an electronic mail message, the principal  
4 purpose of which is to promote, directly or indirectly, the sale or other distribution of  
5 real property, goods, or services;

6 (2) "electronic mail" means a message or a file that is transmitted  
7 through a local, regional, or global network, regardless of whether the message, file,  
8 or other information is

9 (A) viewed;

10 (B) stored for retrieval at a later time;

11 (C) printed onto paper or other similar material; or

12 (D) filtered or screened by a computer program that is designed  
13 or intended to filter or screen items of electronic mail;

14 (3) "electronic mail service provider" or "provider" means a business  
15 or organization qualified to do business in the state or a governmental entity that  
16 provides registered users with the ability to send or receive electronic mail;

17 (4) "initiation" of an unsolicited advertisement refers to the action by  
18 the initial sender of the advertisement; it does not refer to the actions of any  
19 intervening electronic mail service providers that may handle or retransmit the  
20 electronic message;

21 (5) "network" means a network made up of one or more computers that  
22 may be accessed by a modem, electronic or optical technology, or other similar means;

23 (6) "recipient" means a person who receives an item of electronic mail;

24 (7) "registered user" means an individual, corporation, or other person  
25 that maintains an electronic mail address with an electronic mail service provider;

26 (8) "unsolicited advertisement" means an electronic mail advertisement  
27 that is

28 (A) addressed to a recipient with whom the initiator does not  
29 have an existing business or personal relationship; and

30 (B) not sent at the request of or with the express consent of the  
31 recipient.