



*Synopsis of Senate Committee Amendments**

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Legislative Service Commission

Am. Sub. H.B. 383

125th General Assembly

(S. Ways & Means & Economic Development)

Uses the term "commercial electronic mail messages" rather than "electronic mail advertisements," and centers the bill's two felonies on initiating the transmission of multiple commercial electronic mail (e-mail) messages.

Splits the civil action for damages into a state action in a court of common pleas, which may be brought by the Ohio Attorney General or an e-mail service provider, or a federal action in a district court of the United States under the federal Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN-SPAM Act), which may be brought by the Ohio Attorney General, but provides that both actions cannot be pursued at the same time.

Provides that a state civil action may be brought if a federal court dismisses the CAN-SPAM Act action for reasons other than on the merits.

Limits the civil penalty a court of common pleas may impose on an offender, to the **lesser** of (1) \$25,000 for each day a violation of the bill occurs, or (2) not less than \$2 but not more than \$8 for each commercial e-mail message initiated in violation of the bill.

Removes the two criminal jurisdiction and venue statutes that were in the bill, because those laws already apply to the two new felonies created under the bill since computers are used to commit them.

Adds unauthorized access of a computer to the list of crimes for which a person may be convicted of conspiracy.

Eliminates definitions that are no longer used in the bill.

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* This synopsis does not address amendments that may have been adopted on the Senate floor.