



Senate

General Assembly

File No. 443

February Session, 2006

Substitute Senate Bill No. 46

Senate, April 10, 2006

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE ESTABLISHMENT OF AN ELECTRONIC MESSAGE REGISTRY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) (a) The Commissioner of Consumer
2 Protection, in consultation with the Attorney General, shall study the
3 feasibility of establishing an electronic message registry that permits
4 residents of this state to register with the Department of Consumer
5 Protection an electronic mail address, Internet messaging address,
6 facsimile number, wireless telephone number or electronic pager
7 number for the purpose of preventing unsolicited electronic messages
8 from being sent to such address or number.

9 (b) Not later than January 1, 2007, the commissioner shall submit a
10 report pursuant to subsection (c) of this section, in accordance with
11 section 11-4a of the general statutes, to the joint standing committees of
12 the General Assembly having cognizance of matters relating to the
13 judiciary and consumer protection, and to the select committee of the
14 General Assembly having cognizance of matters relating to children.

15 (c) At a minimum, the study and report shall address:

16 (1) The process by which such registry would operate, including,
17 but not limited, the process for (A) establishing and maintaining such
18 registry, and (B) adding, removing and verifying information received
19 from registrants;

20 (2) Whether such registry places an undue burden on interstate or
21 foreign commerce, and the extent to which such registry may be
22 implemented pursuant to the Constitution of the United States and the
23 laws of the United States enacted under the Constitution;

24 (3) Whether such registry should be limited (A) to registrants who
25 have not attained the age of eighteen years, or (B) based on the content
26 of the electronic message;

27 (4) The estimated cost of implementing and maintaining such
28 registry, and potential sources of revenue for funding the
29 implementation and maintenance of such registry;

30 (5) Whether criminal or civil liability should be imposed for the
31 intentional or inadvertent sending of unsolicited electronic messages in
32 violation of the requirements of such registry, and the feasibility of
33 identifying the sender of the unsolicited electronic message; and

34 (6) The experience of other states in implementing and operating
35 such registry.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

KID *Joint Favorable Subst. C/R* JUD

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Consumer Protection, Dept.	GF - Cost	Minimal	None
Attorney General	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires the commissioner of the Department of Consumer Protection (DCP) to study the feasibility of establishing an electronic message registry. It is anticipated that DCP will incur costs of approximately \$30,000 in FY 07 related to the hiring of a consultant. The Attorney General could participate in the study as required under the bill within existing resources.

The Out Years

Since the bill requires the DCP commissioner to report the findings of the study by January 1, 2007, there is no cost in the out years.

OLR Bill Analysis**sSB 46*****AN ACT CONCERNING THE ESTABLISHMENT OF AN ELECTRONIC MESSAGE REGISTRY.*****SUMMARY:**

This bill requires the Department of Consumer Protection (DCP) commissioner to study the feasibility of establishing a registry in which Connecticut residents could register email and Internet messaging addresses and fax, wireless telephone, and pager numbers that they do not want to receive unsolicited electronic messages.

The commissioner must consult with the attorney general and submit a report to the Judiciary, General Law, and Children's committees by January 1, 2007.

EFFECTIVE DATE: Upon passage

STUDY CONTENTS

The bill requires the DCP study and report to describe how the registry would be established and maintained, including procedures for adding, removing, and verifying registrants' information. It must also address at a minimum:

1. whether a registry would unduly burden interstate or foreign commerce,
2. how it could be implemented without violating the U.S. Constitution or federal law,
3. whether it should be limited (a) to registrants under age 18 or (b) based on the message's content,

4. how much it would cost and potential funding sources,
5. whether criminal or civil liability should attach to unsolicited messages sent intentionally and inadvertently,
6. the feasibility of identifying violators, and
7. other states' experience with similar registries.

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Substitute Change of Reference
Yea 12 Nay 0 (03/09/2006)

Judiciary Committee

Joint Favorable Substitute
Yea 38 Nay 0 (03/27/2006)