



General Assembly

Substitute Bill No. 566

February Session, 2006

* SB00566JUD__041106__ *

AN ACT CONCERNING ELECTRONIC MAIL MESSAGE PHISHING.

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

1 Section 1. (NEW) (*Effective October 1, 2006*) (a) For purposes of this
2 section:

3 (1) "Electronic mail message" means a message sent to a unique
4 destination that consists of a unique user name or mailbox and a
5 reference to an Internet domain, whether or not displayed, to which
6 such message can be sent or delivered.

7 (2) "Identifying information" means specific details that can be used
8 to access a person's financial accounts or to obtain goods or services,
9 including, but not limited to, such person's Social Security number,
10 driver's license number, bank account number, credit or debit card
11 number, personal identification number, automated or electronic
12 signature, unique biometric data or account password.

13 (b) No person shall, by means of an Internet web page, electronic
14 mail message or otherwise using the Internet, solicit, request or take
15 any action to induce another person to provide identifying information
16 by representing that the person, either directly or by implication, is an
17 on-line Internet business, without the authority or approval of such on-
18 line Internet business.

19 (c) The Attorney General or any person aggrieved by a violation of
20 subsection (b) of this section may file a civil action in superior court to
21 enforce the provisions of this section and to enjoin further violations of
22 this section. The Attorney General or such aggrieved person may
23 recover actual damages or twenty-five thousand dollars, whichever is
24 greater, for each violation of subsection (b) of this section.

25 (d) In a civil action under subsection (c) of this section, the court
26 may increase the damage award to an amount equal to not more than
27 three times the award provided in said subsection (c) if the court
28 determines that the defendant has engaged in a pattern and practice of
29 violating subsection (b) of this section.

30 (e) An interactive computer service provider shall not be held liable
31 or found in violation of this section for identifying, removing or
32 disabling access to an Internet web page or other on-line location that
33 such provider believes in good faith is being used to engage in a
34 violation of this section.

35 (f) A violation of subsection (b) of this section shall be a class D
36 felony. Multiple violations resulting from a single action or act shall
37 constitute one violation for the purposes of this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	New section

GL *Joint Favorable Subst.*

JUD *Joint Favorable*