

18 Pa.C.S. § 7661

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§ 7661. Unlawful transmission of electronic mail.

(a) Offense defined. — A person commits the offense of unlawful transmission of electronic mail if he:

- (1)** Uses a computer or computer network without authority and with the intent to falsify or forge electronic mail transmission information or other routine information in any manner in connection with the transmission of unsolicited electronic mail through or into the computer network of an electronic mail service provider, Internet service provider or its subscribers.
- (2)** Sells, gives or otherwise distributes or possesses with the intent to sell, give or distribute computer software which:
 - (i)** is primarily designed or produced for the purpose of facilitating or enabling the falsification of electronic mail transmission information or other routing information;
 - (ii)** has only limited commercially significant purpose or use other than to facilitate or to enable the falsification of electronic mail transmission information or other routing information; or
 - (iii)** is marketed by that person or another person acting in concert with that person with that person's knowledge for the use in facilitating or enabling the falsification of electronic mail transmission information or other routing information.

(b) Grading.

- (1)** Except as provided in paragraphs (2) and (3), unlawful transmission of electronic mail is a misdemeanor of the third degree punishable by a fine of not more than \$ 2,500.
- (2)** If there is damage to the property of another valued at \$ 2,500 or more caused by that person's reckless disregard for the consequences of his act in violation of this section, unlawful transmission of electronic mail is a misdemeanor of the first degree punishable by a fine of not more than \$ 10,000.
- (3)** If there is damage to the property of another valued at \$ 2,500 or more caused by that person's malicious act in violation of this section, unlawful transmission of electronic mail is a felony of the third degree punishable by a fine of not more than \$ 15,000.

(c) Rights preserved. — Nothing in this section shall be construed to:

(1) Establish any liability by reason of terms or conditions adopted by or technical measures implemented by an electronic mail service provider or Internet service provider doing business in this Commonwealth to prevent the transmission of unsolicited electronic mail in violation of this section.

(2) Interfere with or prohibit terms or conditions in a contract or license related to computers, computer data, computer networks, computer operations, computer programs, computer services or computer software.

(d) Definitions. — As used in this section, the term “electronic mail” shall include facsimiles and wireless advertisements in addition to other electronic mail.

History

Act 2002-226 (S.B. 1402), P.L. 1953, § 3, approved Dec. 16, 2002, eff. in 60 days.

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