

1 identity by sending a message to the person on an electronic mail
2 or other computerized communication system with the intent to
3 harass or abuse;

4 (2) Make contact with a person after being requested by the
5 person to desist from contacting them;

6 (3) Threaten to commit a crime against any person or property;
7 or

8 (4) Cause obscene material to be delivered or transmitted to
9 a specific person after being requested to desist from sending such
10 material.

11 For purposes of this section, "obscene material" means
12 material that:

13 (A) An average person, applying contemporary adult community
14 standards, would find, taken as a whole, appeals to the prurient
15 interest, is intended to appeal to the prurient interest, or is
16 pandered to a prurient interest;

17 (B) An average person, applying contemporary adult community
18 standards, would find, depicts or describes, in a patently
19 offensive way, sexually explicit conduct consisting of an ultimate
20 sexual act, normal or perverted, actual or simulated, an excretory
21 function, masturbation, lewd exhibition of the genitals, or
22 sadomasochistic sexual abuse; and

23 (C) A reasonable person would find, taken as a whole, lacks
24 literary, artistic, political or scientific value.

1 (b) It is unlawful for any person to knowingly permit a
2 computer under his or her control to be used for any purpose
3 prohibited by this section.

4 (c) Any offense committed under this section may be determined
5 to have occurred at the place at which the contact originated or
6 the place at which the contact was received or intended to be
7 received.

8 (d) Any person who violates a provision of this section is
9 guilty of a misdemeanor and, upon conviction thereof, shall be
10 fined not more than \$500 or confined in ~~a county or regional~~ jail
11 not more than six months, or both fined and confined. For a second
12 ~~or subsequent~~ offense, the person is guilty of a misdemeanor and,
13 upon conviction thereof, shall be fined not more than \$1,000 or
14 confined in ~~a county or regional~~ jail for not more than one year,
15 or both fined and confined. For a third or subsequent offense, the
16 person is guilty of a felony and, upon conviction thereof, shall be
17 fined not more than \$5,000 or imprisoned in a state correctional
18 facility for not more than two years, or both fined and imprisoned.

NOTE: The purpose of this bill is to provide that a third or subsequent offense under this section is a felony and, provide penalties of imprisonment for not more than two years, a fine of not more than \$5,000, or both.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.