



produced for purpose of facilitating or enabling falsification of e-mail transmission information, or (2) has only limited commercially significant purpose other than under (1) above, or (3) is marketed for use in facilitating or enabling falsification of e-mail transmission information. Makes violation a Class 3 misdemeanor; if violation is accompanied by damage to property of another valued at \$2500 or more caused by violator's reckless disregard, violation is Class 1 misdemeanor; if violation is accompanied by such damage caused by malicious act, violation is Class G felony. Authorizes victim to sue for civil damages. Effective Oct. 1, 1999.

**Source: Institute of Government, Daily Bulletin, March 8, 1999.**

**UNSOLICITED COMM. ELEC. BULK MAIL.** Intro. 3/8/99. Senate committee substitute makes the following changes to 1st edition. Makes technical changes, and deletes provision making it unlawful to sell, give, distribute or possess with intent to sell software designed or marketed to facilitate the falsification of electronic mail transmission information or other routing information.

**Source: Institute of Government, Daily Bulletin, April 22, 1999.**

## **ASSUMPTIONS AND METHODOLOGY:**

### Judicial Branch

The Fiscal Research Division believes that the broad language in the bill could create the potential for a moderate fiscal impact on the courts. However, the AOC or the Fiscal Research Division does not have an estimate of the fiscal impact. The conduct described under computer trespass is broad and includes causing physical injury to the property of another without limiting it to computer-related property. Although many of the offenses may be covered under another provision of existing law, there may be some additional court cases. The Fiscal Research Division believes that there may be a moderate impact on the judicial system but is unable to provide an estimate.

### Department of Correction

Although the Sentencing Commission does not have an estimate of the possible number of cases, there are two other statutes which criminalize tampering with computers. G.S. 14-454 makes it unlawful for any person to access a computer without authorization and is punishable as a Class 1 misdemeanor. If the computer is accessed in order to defraud and the damage or services obtained are worth more than \$1,000, the offense is punishable as a Class G felony. During fiscal 1997-98, there were only 6 convictions under this code. Under G.S. 14-455 it is unlawful to alter, destroy or damage a computer, computer system or computer network and is punishable by either a Class 1 misdemeanor or Class G felony. However, during fiscal 1997-98, there were no convictions under this statute. There is no direct fiscal impact resulting from the passage of this bill because any additional beds of this magnitude and their associated costs can be absorbed within the DOC's existing resources.

**TECHNICAL CONSIDERATIONS:** None  
**FISCAL RESEARCH DIVISION 733-4910**  
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**DATE:** Monday, April 26, 1999



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