

FISCAL NOTE
SB 1483 - HB 1106

March 28, 2005

SUMMARY OF BILL: Creates the "Anti-Spam Act of 2005" which prohibits access to a protected computer to intentionally initiate a commercial bulk e-mailing, relaying or retransmitting commercial e-mail messages intending to mislead the origin of the e-mail, falsify the header of a commercial e-mail to mislead the content of the e-mail, register 5 or more e-mail accounts or 2 or more domain names with the intent to send bulk commercial e-mail from each account or domain name and falsely report to a provider the identity of the ownership for more than 5 e-mail accounts or 2 or more domain names; creates several criminal offenses for violations of the Act; creates a civil action and penalties for violations of bulk e-mailing that is deemed to be unfair and deceptive acts or practices under state law; authorizes the Tennessee Regulatory Authority to promulgate and enforce rules and regulations; authorizes the Office of the Attorney General to bring civil actions and requires the Tennessee Regulatory Authority and the Attorney General to provide periodic reports to the General Assembly.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - Exceeds \$12,000 One-Time
\$363,000 Recurring
\$21,000/Incarceration*

Increase State Revenues - \$20,000 First-Year
\$30,000 Second-Year

Increase Local Govt. Expenditures - Not Significant
Increase Local Govt. Revenues - Not Significant

Assumptions:

- Tennessee Regulatory Authority will require seven new positions and related expenses (one program manager, three consumer protection specialists 2, one information resource specialist 3, one administrative secretary and one attorney 3 position) to enforce provisions of this bill.
- State revenue generated by fines assessed for violations.
- Two additional Class E felony convictions and one Class D felony conviction.
- There will not be a sufficient number of misdemeanor prosecutions for local governments to experience any significant increase in revenues or expenditures.

*Section 9-6-119, TCA, requires that: *For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director