



Sen. Kwame Raoul

Filed: 5/18/2005

09400HB0380sam001

LRB094 06868 RXD 46689 a

1 AMENDMENT TO HOUSE BILL 380

2 AMENDMENT NO. _____. Amend House Bill 380 on page 1, line
3 9, after "including", by replacing "content" with "such
4 communication"; and

5 on page 1, by replacing lines 11 through 15 with the following:

6 "Owner or operator" means the owner or lessee of a
7 computer, or someone using such computer with the owner's or
8 lessee's authorization. "Owner or operator" does not include
9 any person that owns a computer prior to the first retail sale
10 of such computer."; and

11 on page 1, line 18, after "computer.", by inserting the
12 following:

13 "Computer software" does not include computer software that is
14 a web page or data components of web pages that are not
15 executable independently of the web page."; and

16 on page 1, by deleting lines 19 through 27; and

17 on page 2, line 1, after "that", by inserting "intentionally";
18 and

19 on page 2, line 2, after "deceive", by inserting "an owner or
20 operator of a computer."; and

1 on page 2, by deleting line 3; and

2 on page 2, line 4, after "of", by inserting "intentional and";
3 and

4 on page 2, line 5, after "an", by replacing "authorized user"
5 with "owner or operator of a computer"; and

6 on page 2, line 5, after "the", by deleting "download or"; and

7 on page 2, line 6, after "installation", by inserting "or
8 execution"; and

9 on page 2, line 6, after "of", by inserting "computer"; and

10 on page 2, line 6, after "deceive", by replacing "the consumer"
11 with "such owner or operator"; and

12 on page 2, line 7, after "'Execute'", by deleting ", when used
13 with respect to computer software,"; and

14 on page 2, line 18, after "infrastructure", by inserting
15 "described in this subsection"; and

16 on page 2, line 23, after "following", by inserting "with
17 respect to an individual who is an owner or operator of a
18 computer"; and

19 on page 2, immediately below line 25, by inserting the
20 following:

21 (2) A home or other physical address including street
22 name.

23 (3) An electronic mail address."; and

1 on page 2, line 26, by replacing "(2)" with "(4)"; and

2 on page 2, line 26, after "numbers", by replacing "or other
3 financial" with ", bank account number, or any password or
4 access code associated with a credit card, debit card, or bank
5 account."; and

6 on page 2, by deleting lines 27 through 29; and

7 on page 2, line 30, by replacing "(4)" with "(5)"; and

8 on page 2, line 30, after "number", by inserting ", tax
9 identification number, driver's license number, passport
10 number, or any other government-issued identification number";
11 and

12 on page 2, line 31, by replacing "(5)" with "(6)"; and

13 on page 2, line 33, after "overdraft history;", by inserting
14 "and"; and

15 on page 2, line 33, after "payment history", by replacing the
16 semicolon with a period; and

17 on page 2, by replacing lines 34 through 35 with the following:

18 "Transmit" means to transfer, send, or make available
19 computer software, or any component thereof, via the Internet
20 or any other medium, including local area networks of
21 computers, other non-wire transmission and discs, or other data
22 storage devices. "Transmit" does not include any action by a
23 person providing:

24 (1) The Internet connection, telephone connection, or
25 other means of transmission capability, such as a compact
26 disk or digital video disk, through which the software was

1 made available.

2 (2) The storage or hosting of the software program or
3 an Internet web page through which the software was made
4 available.

5 (3) An information location tool, such as a directory,
6 index, reference, pointer, or hypertext link, through
7 which the user of the computer located the software, unless
8 such person receives a direct economic benefit from the
9 execution of such software on the computer."; and

10 on page 3, line 1, after "spyware", by deleting "; authorized
11 user"; and

12 on page 3, line 1, by replacing "A person or" with the
13 following:

14 "It shall be unlawful for any person that is not an owner or
15 operator of a computer to transmit computer software to such
16 computer, with actual knowledge or with conscious avoidance of
17 actual actual knowledge, and to use such software to do any of
18 the following:

19 on page 3, by deleting lines 2 through 6; and

20 on page 3, line 7, after "means", by inserting "settings that
21 control any of the following:"; and

22 on page 3, by deleting lines 8 and 9; and

23 on page 3, line 10, after "an", by replacing "authorized user"
24 with "owner or operator of a computer"; and

25 on page 3, line 12, by deleting "program"; and

26 on page 3, line 13, after "an", by replacing "authorized" with

1 "owner or operator of a computer"; and

2 on page 3, line 14, by deleting "user"; and

3 on page 3, line 15, after "An", by replacing "authorized
4 user's" with "owner or operator's"; and

5 on page 3, line 18, after "information", by deleting "that
6 meets any of the following"; and

7 on page 3, by deleting line 19; and

8 on page 3, line 20, by replacing "It is collected through" with
9 "Through"; and

10 on page 3, line 25, after "(B)", by replacing "It includes all"
11 with "In a manner that correlates such information with data
12 respecting all"; and

13 on page 3, line 26, after "an", by replacing "authorized user"
14 with "owner or operator of the computer"; and

15 on page 3, line 27, after "sites", by replacing "of the
16 provider of the software, if the computer" with "operated by
17 the person collecting such information."; and

18 on page 3, by deleting lines 28 through 30; and

19 on page 3, line 34, after "an", by replacing "authorized user"
20 with "owner or operator of the computer"; and

21 on page 3, line 35, after "Prevent,", by deleting "without the
22 authorization of an"; and

1 on page 3, line 36, by deleting "authorized user,"; and

2 on page 3, line 36, after "an", by replacing "authorized" with
3 "owner or operator's"; and

4 on page 4, line 1, by deleting "user's"; and

5 on page 4, line 1, after "installation", by inserting "or
6 execution"; and

7 on page 4, line 2, after "disable", by inserting "computer";
8 and

9 on page 4, line 2, after "causing", by inserting "such"; and

10 on page 4, line 2, after "that", by replacing "the authorized"
11 with "an owner or operator of the computer"; and

12 on page 4, line 3, by deleting "user"; and

13 on page 4, line 3, after "disabled", by deleting "to"; and

14 on page 4, line 3, after "automatically", by inserting "to";
15 and

16 on page 4, line 4, after "on the", by replacing "computer
17 without the" with "computer."; and

18 on page 4, by deleting line 5; and

19 on page 4, line 7, after "an", by replacing "authorized user's
20 action, with knowledge" with "owner or operator's action."; and

21 on page 4, by deleting line 8; and

1 on page 4, line 12, after "spyware", by deleting "
2 unauthorized user"; and

3 on page 4, by replacing lines 13 through 17 with the following:

4 "(a) It shall be unlawful for any person who is not an
5 owner or operator of a computer to transmit software to such
6 computer, with actual knowledge or with conscious avoidance of
7 actual knowledge, to use such software to do any of the
8 following:"; and

9 on page 4, line 18, after "of", by replacing "the consumer's"
10 with "such"; and

11 on page 4, line 18, after "computer", by replacing "by doing"
12 with "by:"; and

13 on page 4, by deleting lines 19 through 24; and

14 on page 4, line 25, by replacing "(B) Access or use the
15 consumer's" with "(A) Accessing or using the"; and

16 on page 4, line 26, after "for", by inserting "such computer
17 for"; and

18 on page 4, line 27, by deleting "consumer's"; and

19 on page 4, line 27, after "or", by deleting "of"; and

20 on page 4, line 27, after "an", by replacing "authorized user"
21 with "owner or operator"; and

22 on page 4, line 28, after "that", by replacing "is not" with
23 "no owner or operator of such computer has authorized."; and

1 on page 4, by deleting line 29; and

2 on page 4, by replacing lines 30 through 35 with the following:

3 "(B) Opening multiple, sequential, stand-alone
4 advertisements in an owner or operator's Internet
5 browser without the authorization of an owner or
6 operator and that a reasonable computer user cannot
7 close without turning off the computer or closing the
8 Internet browser."; and

9 on page 5, by deleting lines 1 through 5; and

10 on page 5, line 6, after "to", by replacing "the" with "such";

11 and

12 on page 5, by replacing lines 8 through 13 with the following:

13 "(A) Settings that protect information about an
14 owner or operator of the computer for the purpose of
15 stealing personal identifiable information of such
16 owner or operator.

17 (B) Security settings for the purpose of causing
18 damage to a computer."; and

19 on page 5, line 14, after "Prevent", by replacing ", without
20 the authorization of an" with "an owner or operator's"; and

21 on page 5, line 15, by deleting "authorized user, an authorized
22 user's"; and

23 on page 5, line 16, after "disable", by inserting "computer";
24 and

25 on page 5, line 18, after "(A)", by replacing "Present the

1 authorized user" with "Presenting such owner or operator"; and

2 on page 5, line 19, after "of", by inserting "computer"; and

3 on page 5, line 20, after "selected", by deleting "by the
4 authorized user"; and

5 on page 5, line 21, after "installation", by deleting "will";
6 and

7 on page 5, line 21, after "nevertheless", by replacing "occur"
8 with "proceeds"; and

9 on page 5, line 22, after "that", by inserting "computer"; and

10 on page 5, line 26, after "or a", by deleting "protected"; and

11 on page 5, line 30, after "support,", by inserting
12 "maintenance,"; and

13 on page 6, by replacing lines 2 through 4 with the following:

14 "(a) It is unlawful for any person, who is not an owner or
15 operator of a computer, to do any of the following with regard
16 to such computer:"; and

17 on page 6, line 5, after "an", by replacing "authorized user"
18 with "owner or operator"; and

19 on page 6, line 5, after "a", by inserting "computer"; and

20 on page 6, line 6, after "misrepresenting", by replacing "that"
21 with "the extent to which"; and

22 on page 6, line 7, after "installing", by inserting "such"; and

1 on page 6, line 10, after "cause the", by deleting "copying
2 and"; and

3 on page 6, line 12, after "an", by replacing "authorized user"
4 with "owner or operator"; and

5 on page 6, line 12 after "a", by replacing "way" with "manner";
6 and

7 on page 6, line 20, after "support,", by inserting
8 "maintenance,"; and

9 on page 6, line 25, after "software", by replacing "proscribed"
10 with "prescribed"; and

11 on page 6, by deleting lines 27 through 32; and

12 on page 6, line 33, after "Section", by replacing "30" with
13 "25"; and

14 on page 7, line 1, after "application", by deleting "to any
15 person or circumstance"; and

16 on page 7, line 2, by replacing "the" with "that"; and

17 on page 7, line 2, after "invalidity", by replacing "of that
18 provision or application does" with "shall"; and

19 on page 7, line 3, after "or", by replacing "applications of
20 this Act" with "applications".