

SENATE BILL REPORT

SB 5574

As Passed Senate, March 11, 2003

Title: An act relating to district court jurisdiction over actions involving commercial electronic mail.

Brief Description: Clarifying district court jurisdiction over actions involving commercial electronic mail.

Sponsors: Senators Finkbeiner, Poulsen and Reardon; by request of Attorney General.

Brief History:

Committee Activity: Technology & Communications: 2/13/03, 2/17/03 [DP].

Passed Senate: 3/11/03, 49-0.

SENATE COMMITTEE ON TECHNOLOGY & COMMUNICATIONS

Majority Report: Do pass.

Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Eide, Reardon, Schmidt and Stevens.

Staff: Dario de la Rosa (786-7484)

Background: The district courts in Washington State have concurrent jurisdiction with superior courts over misdemeanor and gross misdemeanor violations and civil cases under \$50,000. They have exclusive jurisdiction over small claims and infractions.

Washington statutes regarding unsolicited, deceptive commercial electronic mail, or spam, are designed to protect state residents against bulk commercial e-mails that contain misleading information in the subject line, use a third party's internet address without permission or disguise the message's origin.

According to the Attorney General's Office, many plaintiffs have used Washington's anti-spam law to take legal action against out-of-state senders of spam in district courts. These plaintiffs have met with varying degrees of success. Some district courts have exercised jurisdiction over out-of-state defendants, and some have not.

Summary of Bill: It is clarified that the district courts in Washington State have jurisdiction over actions brought against senders of spam in violation of Washington's anti-spam law. It is also clarified that it is proper for the district courts in Washington to hear actions against non-resident defendants who violate Washington's anti-spam law.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Spam is a growing problem. Roughly 9 billion emails are sent annually, and almost a third of those sent right now are spam. The Attorney General's Office logged 8200 complaints regarding spam last year. Spam not only uses computer resources and bandwidth, but it also is harmful to businesses who have to waste time to delete spam from their systems. Washington anti-spam laws have been a model for the nation. The district courts in Washington have been inconsistent in exercising jurisdiction over cases involving spam. This bill is supported by the district court judges and clarifies that the district courts in the state have jurisdiction to hear cases brought against illegal spammers.

Testimony Against: None.

Testified: Christine Gregoire, Attorney General (pro); David Horn, Attorney General's Office (pro); Gary Gardner, Washington Association of Internet Service Providers (pro).