



Alaska State Legislature

Senate Majority Web: www.akrepublicans.org

Sponsor: Senator Gene Therriault
Current Version: HCS CSSB 140 (RLS)
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Fact Sheet for: Senate Bill 140

Short Title: BAN INTERNET SPYWARE

Summary:

- Adds "Deceptive Acts or Practices Relating to Spyware" to "unfair methods of competition" and "unfair or deceptive acts or practices" that are declared to be unlawful.
- Makes it unlawful for a person who is not the owner or authorized user of a computer to engage in the following deceptive acts or practices using spyware:
 - Causing a pop-up advertisement to appear by means of a spyware program under circumstances defined in the bill.
 - Purchasing advertising that violates the prohibition on the use of spyware to customize pop-up advertising.
- Makes online enticement of minors a felony under Alaska law. A person commits the crime of online enticement of a minor if the person is 18 years or older and knowingly uses a computer to communicate with another person to entice, solicit or encourage the person to engage in an act described in AS 11.41.455(a)(1)-(7).
- Makes electronic distribution of indecent materials, i.e. pornography, to minors a felony under Alaska law.

Benefits:

- Prohibiting pop-up advertisements undermines the economic incentives that encourage spyware providers to invade computers.
- Reduces unwanted, unwarranted and often malicious spyware invasions.
- Helps reduce the staggering cost of removing spyware programs.

Background:

- Computer users have recently encountered a barrage of unwanted software programs, known as spyware, that attempts to take over their computers. Typically, spyware programs monitor the user's activities to determine what Internet websites the user is visiting then displays pop-up advertisements encouraging users to purchase from companies that have paid advertising fees to the spyware provider. These advertisements are misleading, anticompetitive, intrusive and a source of frustration for users who cannot remove the program or locate the entity that created it. Additionally, the bill addresses online victimization of minors, one of the worst byproducts of the age of the Internet. The bill will help protect Alaska's children from sexual predators and provide a "safety net" as they navigate the Internet.