

Detroit Free Press

MIKE WENDLAND: Online-protection bills are mostly just symbolic

March 14, 2005

BY MIKE WENDLAND
FREE PRESS COLUMNIST

Michigan legislators seem to be getting the message that their constituents are fed up with spam, spyware and sleazy online scams.

They're passing bills to outlaw or restrict unethical practices that allow spammers to grab your e-mail address, secretly install hidden programs on your computer to monitor your surfing habits or allow online predators and con artists to masquerade as someone else.

Sounds great. But what does it all actually mean to consumers? Not much. Despite the barrage of legislation from Lansing, such state laws will be almost impossible to enforce because most of the spammers and hackers behind what computer security experts call malware are beyond the reach of Michigan authorities.

Moreover, much of what lawmakers are trying to stop are practices already prohibited by federal laws like the CAN-SPAM Act of 2003. And that law -- sweeping in its intent -- has had absolutely no demonstrable effect on the amount of spam and junk mail sent.

In Michigan last week, the state Senate unanimously approved a legislative package that makes it illegal for the unauthorized installation of spyware -- hidden software applications that can track the activity of Internet users and even gather personal information.

The proposed Michigan law, somewhat similar to anti-spyware legislation passed in Utah and California, would also make it illegal to collect personal information without a user's permission or modify Internet security settings or disable antivirus software. Violators would be guilty of a felony and could be punished by up to 5 years in prison or a \$10,000 fine.

Republican Sen. Cameron Brown of Sturgis, the sponsor of the legislation, says his hope is that the package will protect online privacy. "We're trying to correct deceptive activity," he said.

The legislation goes to the House for action sometime this week.

The problem of online deception is at the heart of other legislation that was acted on in Lansing last week by the state Senate Judiciary Committee. **By a narrow 4-3 vote, a bill that would require online dating sites to disclose whether criminal background checks have been made on those looking for companionship was passed for full Senate action.**

Again, if passed, this would be a largely symbolic measure, since most online sites aren't based here. Its intent is to address the issue of phony profiles entered by married people or online predators seeking relationships. **But really, this proposed legislation is a masterful example of marketing and special interest legislation.**

It's the brainchild of Herb Vest, a Dallas businessman who founded a dating site called True.com. Vest has been shopping his proposed law around to legislatures across the country and got Michigan and five other states to bite.

Why? Because Vest's site distinguishes itself from the dozens of competitors in the lucrative online dating industry by screening member names through a database of criminal records and public records on marriage licenses.

The rest of the online dating industry opposes such legislation and contends True.com's background checks are far from comprehensive.

Senate Judiciary Chairman Alan Cropsey, R-DeWitt, is the sponsor of the bill. "This is just a commonsense thing," Cropsey said when I asked him about the criticism. "All we're trying to do is tell people to beware when they're dealing with strangers online. I can't understand why anyone would have a problem with that."

I don't want to minimize the problem of online predators and other bad guys. Still, this has to be the silliest such bill I've ever seen.

I applaud True.com for doing at least some checking. But if we're going to legislate online dating profiles, we better also make it illegal to give out a phone number at a singles bar.

Contact **MIKE WENDLAND** at 313-222-8861 or mwendland@freepress.com.

Copyright © 2005 Detroit Free Press Inc.