

court against any provider of wire or electronic communication service, its officers, employees, or agents, landlord, custodian, or other specified person for providing information, facilities, or assistance in accordance with the terms of a court order under this subtitle.

(4) (i) It is lawful under this subtitle for a law enforcement officer in the course of the officer's regular duty to intercept an oral [communication,] COMMUNICATION if:

1. The law enforcement officer initially lawfully detained a vehicle during a criminal investigation or for a traffic violation;
2. The law enforcement officer is a party to the oral communication;
3. The law enforcement officer has been identified as a law enforcement officer to the other parties to the oral communication prior to any interception;
4. The law enforcement officer informs all other parties to the communication of the interception at the beginning of the communication; and
5. The oral interception is being made as part of a video tape recording.

(5) It is lawful under this subtitle for an officer, employee, or agent of a governmental emergency communications center to intercept a wire, oral, or electronic communication where the officer, [agent] AGENT, or employee is a party to a conversation concerning an emergency.

(e) (2) If an offense is a first offense under paragraph (1) of this subsection and is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain, and the wire or electronic communication with respect to which the offense occurred is a radio communication that is not scrambled or encrypted, and:

(i) The communication is not the radio portion of a cellular telephone communication, a public land mobile radio service communication, or a paging service communication, the offender is subject to a fine of not more than \$1,000 or imprisonment for not more than [one] 1 year, or both; or

(3) Unless the conduct is for the purpose of direct or indirect commercial advantage or private financial gain, conduct which would otherwise be an offense under this subsection is not an offense under this [subsection,] SUBSECTION if the conduct consists of or relates to the interception of a satellite transmission that is not encrypted or scrambled and that is transmitted:

DRAFTER'S NOTE:

Error: Extraneous commas in § 10-402(c)(1)(ii)2 and (4)(i) and (e)(3); omitted comma in § 10-402(c)(5); stylistic error in § 10-402(e)(2)(i) of the Courts and Judicial Proceedings Article.