

(I) ANY TEMPORARY, INTERMEDIATE STORAGE OF A WIRE OR ELECTRONIC COMMUNICATION INCIDENTAL TO THE ELECTRONIC TRANSMISSION OF THE COMMUNICATION; AND

(II) ANY STORAGE OF A WIRE OR ELECTRONIC COMMUNICATION BY AN ELECTRONIC COMMUNICATION SERVICE FOR PURPOSES OF BACKUP PROTECTION OF THE COMMUNICATION.

(17) "AURAL TRANSFER" MEANS A TRANSFER CONTAINING THE HUMAN VOICE AT ANY POINT BETWEEN AND INCLUDING THE POINT OF ORIGIN AND THE POINT OF RECEPTION.

10-402.

(a) Except as otherwise specifically provided in this subtitle it is unlawful for any person to:

(1) Wilfully intercept, endeavor to intercept, or procure any other person to intercept or endeavor to intercept, any wire [or], oral, OR ELECTRONIC communication;

(2) Wilfully disclose, or endeavor to disclose, to any other person the contents of any wire [or], oral, OR ELECTRONIC communication, knowing or having reason to know that the information was obtained through the interception of a wire [or], oral, OR ELECTRONIC communication in violation of this subtitle; or

(3) Wilfully use, or endeavor to use, the contents of any wire [or], oral, OR ELECTRONIC communication, knowing or having reason to know that the information was obtained through the interception of a wire [or], oral, OR ELECTRONIC communication in violation of this subtitle.

(b) Any person who violates subsection (a) of this section is guilty of a felony and is subject to imprisonment for not more than [five] 5 years or a fine of not more than \$10,000, or both.

(c) (1) (i) It is lawful under this subtitle for an operator of a switchboard, or an officer, employee, or agent of [any communication common carrier] A PROVIDER OF WIRE OR ELECTRONIC COMMUNICATION SERVICE, whose facilities are used in the transmission of a wire OR ELECTRONIC communication to intercept, disclose, or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the [carrier of the communication. Provided, the communication common carriers] PROVIDER OF THAT SERVICE, EXCEPT THAT A PROVIDER OF WIRE COMMUNICATIONS SERVICE TO THE PUBLIC may not utilize service observing or random monitoring except for mechanical or service quality control checks.