

(B) A PERSON WHO VIOLATES THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION IS SUBJECT TO THE FOLLOWING PENALTIES:

(1) IF THE OFFENSE IS COMMITTED FOR PURPOSES OF COMMERCIAL ADVANTAGE, MALICIOUS DESTRUCTION OR DAMAGE, OR PRIVATE COMMERCIAL GAIN:

(I) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$250,000 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR BOTH; AND

(II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT MORE THAN \$250,000 OR IMPRISONMENT FOR NOT MORE THAN 2 YEARS, OR BOTH; OR

(2) IN ANY OTHER CASE, A FINE OF NOT MORE THAN \$5,000 OR IMPRISONMENT FOR NOT MORE THAN 6 MONTHS, OR BOTH.

(C) SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO CONDUCT AUTHORIZED:

(1) BY THE PERSON OR ENTITY PROVIDING A WIRE OR ELECTRONIC COMMUNICATIONS SERVICE;

(2) BY A USER OF A WIRE OR ELECTRONIC COMMUNICATIONS SERVICE WITH RESPECT TO A COMMUNICATION OF OR INTENDED FOR THAT USER; OR

(3) UNDER THE PROVISIONS OF THIS SUBTITLE.

10-4A-03.

(A) (1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON OR ENTITY PROVIDING AN ELECTRONIC COMMUNICATION SERVICE TO THE PUBLIC MAY NOT KNOWINGLY DIVULGE TO ANY OTHER PERSON OR ENTITY THE CONTENTS OF A COMMUNICATION WHILE THE COMMUNICATION IS IN ELECTRONIC STORAGE BY THAT SERVICE.

(2) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON OR ENTITY PROVIDING REMOTE COMPUTING SERVICE TO THE PUBLIC MAY NOT KNOWINGLY DIVULGE TO ANY OTHER PERSON OR ENTITY THE CONTENTS OF ANY COMMUNICATION WHICH IS CARRIED OR MAINTAINED ON THAT SERVICE:

(I) ON BEHALF OF, AND RECEIVED BY MEANS OF ELECTRONIC TRANSMISSION FROM, OR CREATED BY MEANS OF COMPUTER PROCESSING OF COMMUNICATIONS RECEIVED BY MEANS OF ELECTRONIC TRANSMISSION FROM, A SUBSCRIBER OR CUSTOMER OF THE SERVICE; AND

(II) SOLELY FOR THE PURPOSE OF PROVIDING STORAGE OR COMPUTER PROCESSING SERVICES TO A SUBSCRIBER OR CUSTOMER, IF THE PROVIDER IS NOT AUTHORIZED TO ACCESS THE