

~~{5}--OTHERWISE-SERIOUSLY-JEOPARDIZING-AN-INVESTIGATION OR-UNDUPLY-DELAYING-A-TRIAL-~~ HAVE AN ADVERSE RESULT.

10-4A-07.

(A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN INVESTIGATIVE OR LAW ENFORCEMENT OFFICER OBTAINING THE CONTENTS OF COMMUNICATIONS, RECORDS, OR OTHER INFORMATION UNDER § 10-4A-03, § 10-4A-04, OR § 10-4A-05 OF THIS SUBTITLE SHALL PAY TO THE PERSON OR ENTITY ASSEMBLING OR PROVIDING THE INFORMATION A FEE FOR REIMBURSEMENT FOR COSTS THAT ARE REASONABLY NECESSARY AND THAT HAVE BEEN DIRECTLY INCURRED IN SEARCHING FOR, ASSEMBLING, REPRODUCING, OR OTHERWISE PROVIDING THE INFORMATION. REIMBURSABLE COSTS SHALL INCLUDE ANY COSTS DUE TO NECESSARY DISRUPTION OF NORMAL OPERATIONS OF ANY ELECTRONIC COMMUNICATION SERVICE OR REMOTE COMPUTING SERVICE IN WHICH THE INFORMATION MAY BE STORED.

(B) THE AMOUNT OF THE FEE AUTHORIZED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE MUTUALLY AGREED UPON BY THE INVESTIGATIVE OR LAW ENFORCEMENT OFFICER AND THE PERSON OR ENTITY PROVIDING THE INFORMATION, OR, IN THE ABSENCE OF AGREEMENT, SHALL BE DETERMINED BY THE COURT WHICH ISSUED THE ORDER FOR PRODUCTION OF THE INFORMATION OR THE COURT IN WHICH A CRIMINAL PROSECUTION RELATING TO THE INFORMATION WOULD BE BROUGHT, IF NO COURT ORDER WAS ISSUED FOR PRODUCTION OF THE INFORMATION.

(C) THE REQUIREMENT OF SUBSECTION (A) OF THIS SECTION DOES NOT APPLY WITH RESPECT TO RECORDS OR OTHER INFORMATION MAINTAINED BY A COMMUNICATIONS COMMON CARRIER THAT RELATE TO TELEPHONE TOLL RECORDS AND TELEPHONE LISTINGS OBTAINED UNDER § 10-4A-04 OF THIS SUBTITLE. THE COURT MAY, HOWEVER, ORDER A PAYMENT DESCRIBED IN SUBSECTION (A) OF THIS SECTION IF THE COURT DETERMINES THE INFORMATION REQUIRED IS UNUSUALLY VOLUMINOUS IN NATURE OR OTHERWISE CAUSED AN UNDUE BURDEN ON THE PROVIDER.

10-4A-08.

(A) EXCEPT AS PROVIDED IN § 10-4A-04(E) OF THIS SUBTITLE, A PROVIDER OF ELECTRONIC COMMUNICATION SERVICE, SUBSCRIBER, OR CUSTOMER AGGRIEVED BY A KNOWING OR INTENTIONAL VIOLATION OF THIS SUBTITLE MAY RECOVER APPROPRIATE RELIEF IN A CIVIL ACTION AGAINST THE PERSON OR ENTITY THAT ENGAGED IN THE VIOLATION.

(B) IN A CIVIL ACTION UNDER THIS SECTION, APPROPRIATE RELIEF INCLUDES:

(1) APPROPRIATE PRELIMINARY AND OTHER EQUITABLE OR DECLARATORY RELIEF;

(2) DAMAGES UNDER SUBSECTION (C) OF THIS SECTION; AND