

USED BY A PROVIDER OR CUSTOMER OF A WIRE COMMUNICATION SERVICE FOR COST ACCOUNTING OR OTHER SIMILAR PURPOSES IN THE ORDINARY COURSE OF ITS BUSINESS.

(E) "TRAP AND TRACE DEVICE" MEANS A DEVICE THAT CAPTURES THE INCOMING ELECTRONIC OR OTHER IMPULSES THAT IDENTIFY THE ORIGINATING NUMBER OF AN INSTRUMENT OR DEVICE FROM WHICH A WIRE OR ELECTRONIC COMMUNICATION WAS TRANSMITTED.

10-4B-02.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON MAY NOT INSTALL OR USE A PEN REGISTER OR A TRAP AND TRACE DEVICE WITHOUT FIRST OBTAINING A COURT ORDER UNDER § 10-4B-04 OF THIS SUBTITLE.

(B) SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO THE USE OF A PEN REGISTER OR A TRAP AND TRACE DEVICE BY A PROVIDER OF WIRE OR ELECTRONIC COMMUNICATION SERVICE:

(1) RELATING TO THE OPERATION, MAINTENANCE, AND TESTING OF A WIRE OR ELECTRONIC SERVICE OR TO THE PROTECTION OF THE RIGHTS OR PROPERTY OF THE PROVIDER, OR TO THE PROTECTION OF USERS OF THAT SERVICE FROM ABUSE OF SERVICE OR UNLAWFUL USE OF SERVICE; OR

(2) TO RECORD THE FACT THAT A WIRE OR ELECTRONIC COMMUNICATION WAS INITIATED OR COMPLETED IN ORDER TO PROTECT THE PROVIDER, ANOTHER PROVIDER FURNISHING SERVICE TOWARD THE COMPLETION OF THE WIRE COMMUNICATION, OR A USER OF THAT SERVICE, FROM FRAUDULENT, UNLAWFUL, OR ABUSIVE USE OF SERVICE, OR WITH THE CONSENT OF THE USER OF THAT SERVICE.

(C) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION, UPON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR, OR BOTH.

10-4B-03.

(A) AN INVESTIGATIVE OR LAW ENFORCEMENT OFFICER MAY MAKE APPLICATION FOR AN ORDER OR AN EXTENSION OF AN ORDER UNDER § 10-4B-04 OF THIS SUBTITLE AUTHORIZING OR APPROVING THE INSTALLATION AND USE OF A PEN REGISTER OR A TRAP AND TRACE DEVICE, IN WRITING, UNDER OATH OR EQUIVALENT AFFIRMATION, TO A COURT OF COMPETENT JURISDICTION OF THIS STATE.

(B) AN APPLICATION UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

(1) THE IDENTITY OF THE STATE LAW ENFORCEMENT OR INVESTIGATIVE OFFICER MAKING THE APPLICATION AND THE IDENTITY OF THE LAW ENFORCEMENT AGENCY CONDUCTING THE INVESTIGATION; AND