

(2) "Pen register" does not include any device OR PROCESS used:

(I) [by] BY a provider or customer of a wire or electronic communication service for billing, or recording as an incident to billing, for communications services provided by the provider or any device 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; OR

(II) TO OBTAIN THE CONTENT OF A COMMUNICATION.

(e) (1) "Trap and trace device" means a device OR PROCESS that captures the incoming electronic or other impulses that identify the originating number [of an instrument or device from which] OR OTHER DIALING, ROUTING, ADDRESSING, AND SIGNALING INFORMATION REASONABLY LIKELY TO IDENTIFY THE SOURCE OF a wire or electronic communication [was transmitted].

(2) "TRAP AND TRACE DEVICE" DOES NOT INCLUDE A DEVICE OR PROCESS USED TO OBTAIN THE CONTENT OF A COMMUNICATION.

10-4B-04.

(a) (1) Upon an application made under § 10-4B-03 of this subtitle, the court shall enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device within the jurisdiction of the court if the court finds that the information likely to be obtained by the installation and use is relevant to an ongoing criminal investigation.

(2) ON SERVICE, AN ORDER ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL APPLY TO ANY PERSON PROVIDING WIRE OR ELECTRONIC COMMUNICATION SERVICE WHOSE ASSISTANCE MAY FACILITATE THE EXECUTION OF THE ORDER.

(b) An order issued under this section shall:

(1) Specify the identity, if known, of the person to whom is leased or in whose name is listed the telephone line OR OTHER FACILITY to which the pen register or trap and trace device is to be attached OR APPLIED;

(2) Specify the identity, if known, of the person who is the subject of the criminal investigation;

(3) Specify the [number and, if known, physical location of the telephone line to which the pen register or trap and trace device is to be attached] ATTRIBUTES OF THE COMMUNICATIONS TO WHICH THE ORDER APPLIES, INCLUDING THE NUMBER OR OTHER IDENTIFIER AND, IF KNOWN, THE LOCATION OF THE TELEPHONE LINE OR OTHER FACILITY TO WHICH THE PEN REGISTER OR TRAP AND TRACE DEVICE IS TO BE ATTACHED OR APPLIED, and, in the case of a trap and trace device, the geographic limits of the trap and trace order;

(4) Contain a description of the offense to which the information likely to be obtained by the pen register or trap and trace device relates; and