

(2) "CHILD PORNOGRAPHY" MEANS ANY ELECTRONIC IMAGE OR VISUAL DEPICTION THAT IS UNLAWFUL UNDER § 11-207 OR § 11-208 OF THIS SUBTITLE.

(3) "CONTROLLED OR OWNED", WITH RESPECT TO A SERVER OR OTHER STORAGE DEVICE, MEANS TO BE ENTIRELY OWNED BY AN INTERACTIVE COMPUTER SERVICE PROVIDER OR TO BE SUBJECT TO EXCLUSIVE MANAGEMENT BY AN INTERACTIVE COMPUTER SERVICE PROVIDER BY AGREEMENT OR OTHERWISE.

(4) "INTERACTIVE COMPUTER SERVICE PROVIDER" MEANS AN ENTITY THAT PROVIDES A SERVICE THAT PROVIDES OR ENABLES COMPUTER ACCESS VIA THE INTERNET BY MULTIPLE USERS TO A COMPUTER SERVER OR SIMILAR DEVICE USED FOR THE STORAGE OF GRAPHICS, VIDEO, OR IMAGES.

(B) AN INVESTIGATIVE OR LAW ENFORCEMENT OFFICER WHO RECEIVES INFORMATION THAT AN ITEM OF ALLEGED CHILD PORNOGRAPHY RESIDES ON A SERVER OR OTHER STORAGE DEVICE CONTROLLED OR OWNED BY AN INTERACTIVE COMPUTER SERVICE PROVIDER SHALL:

(1) CONTACT THE INTERACTIVE COMPUTER SERVICE PROVIDER THAT CONTROLS OR OWNS THE SERVER OR OTHER STORAGE DEVICE WHERE THE ITEM OF ALLEGED CHILD PORNOGRAPHY IS LOCATED;

(2) INFORM THE INTERACTIVE COMPUTER SERVICE PROVIDER OF THE PROVISIONS OF THIS SECTION; AND

(3) REQUEST THAT THE INTERACTIVE COMPUTER SERVICE PROVIDER VOLUNTARILY COMPLY WITH THIS SECTION AND REMOVE THE ITEM OF ALLEGED CHILD PORNOGRAPHY FROM ITS SERVER OR OTHER STORAGE DEVICE, IF PRACTICABLE, WITHIN 5 BUSINESS DAYS.

(C) (1) IF THE INTERACTIVE COMPUTER SERVICE PROVIDER DOES NOT VOLUNTARILY REMOVE THE ITEM OF ALLEGED CHILD PORNOGRAPHY WITHIN THE TIME PERIOD ESTABLISHED IN SUBSECTION (B) OF THIS SECTION, THE INVESTIGATIVE OR LAW ENFORCEMENT OFFICER SHALL APPLY FOR A COURT ORDER OF AUTHORIZATION TO REMOVE THE ITEM OF ALLEGED CHILD PORNOGRAPHY IN ACCORDANCE WITH TITLE 10, SUBTITLE 4 OF THE COURTS ARTICLE.

(2) THE APPLICATION FOR A COURT ORDER SHALL:

(I) IDENTIFY THE ITEM OF ALLEGED CHILD PORNOGRAPHY DISCOVERED ON THE SERVER OR OTHER STORAGE DEVICE CONTROLLED OR OWNED BY AN INTERACTIVE COMPUTER SERVICE PROVIDER;

(II) PROVIDE ITS LOCATION ON THE SERVER OR OTHER STORAGE DEVICE IN THE FORM OF AN INTERNET PROTOCOL (IP) ADDRESS OR UNIFORM RESOURCE LOCATOR (URL);

(III) STATE THE GROUNDS FOR THE ISSUANCE OF THE ORDER;

(IV) VERIFY THAT THE ITEM OF ALLEGED CHILD PORNOGRAPHY RESIDES ON THE SERVER OR OTHER STORAGE DEVICE CONTROLLED OR OWNED BY THE INTERACTIVE COMPUTER SERVICE PROVIDER;