

(4) THE INTERACTIVE COMPUTER SERVICE PROVIDER HAS THE RIGHT TO REQUEST A HEARING BEFORE THE COURT IMPOSES ANY PENALTY UNDER THIS SECTION.

(D) THE COURT SHALL REVIEW THE APPLICATION AND TESTIMONY, IF OFFERED, AND, UPON A FINDING OF PROBABLE CAUSE, ISSUE AN ORDER THAT:

(1) AN ITEM OF CHILD PORNOGRAPHY RESIDES ON A SERVER OR OTHER STORAGE DEVICE CONTROLLED OR OWNED BY THE INTERACTIVE COMPUTER SERVICE PROVIDER OR IS ACCESSIBLE TO PERSONS LOCATED IN THE STATE;

(2) THERE IS PROBABLE CAUSE TO BELIEVE THAT THE ITEM VIOLATES § 11-207 OR § 11-208 OF THIS SUBTITLE;

(3) THE INTERACTIVE COMPUTER SERVICE PROVIDER SHALL REMOVE THE ITEM RESIDING ON A SERVER OR OTHER STORAGE DEVICE CONTROLLED OR OWNED BY THE INTERACTIVE COMPUTER SERVICE PROVIDER WITHIN 5 BUSINESS DAYS AFTER RECEIVING THE ORDER, IF PRACTICABLE;

(4) FAILURE OF THE INTERACTIVE COMPUTER SERVICE PROVIDER TO COMPLY WITH THE COURT'S ORDER IS A VIOLATION OF THIS SECTION;

(5) THE REMOVAL OF THE ITEM ON THE SERVER OR OTHER STORAGE DEVICE CONTROLLED OR OWNED BY THE INTERACTIVE COMPUTER SERVICE PROVIDER MAY NOT UNREASONABLY INTERFERE WITH A REQUEST BY A LAW ENFORCEMENT AGENCY TO PRESERVE RECORDS OR OTHER EVIDENCE;

(6) THE PROCESS OF REMOVAL SHALL BE CONDUCTED IN A MANNER THAT PREVENTS THE REMOVAL OF IMAGES, INFORMATION, OR DATA NOT OTHERWISE SUBJECT TO REMOVAL UNDER THIS SECTION; AND

(7) PROVIDES THE INTERACTIVE COMPUTER SERVICE PROVIDER NOTICE AND OPPORTUNITY FOR A HEARING BEFORE THE COURT IMPOSES ANY PENALTY UNDER THIS SECTION.

(E) (1) THE OFFICE OF THE STATE'S ATTORNEY SHALL SERVE THE COURT'S ORDER ON THE INTERACTIVE COMPUTER SERVICE PROVIDER.

(2) THE ORDER SHALL BE ACCOMPANIED BY:

(I) THE APPLICATION MADE UNDER SUBSECTION (C) OF THIS SECTION;

(II) NOTIFICATION REQUIRING THE INTERACTIVE COMPUTER SERVICE PROVIDER TO REMOVE THE ITEM RESIDING ON A SERVER OR OTHER STORAGE DEVICE CONTROLLED OR OWNED BY THE INTERACTIVE COMPUTER SERVICE PROVIDER, IF PRACTICABLE, WITHIN 5 BUSINESS DAYS AFTER RECEIVING THE ORDER;

(III) NOTIFICATION OF THE CRIMINAL PENALTIES FOR FAILURE TO REMOVE THE ITEM OF CHILD PORNOGRAPHY;