

77-23a-13 Installation of device when court order required -- Penalty.

- (1) Except as provided in this section, a person may not install or use a pen register or trap or trace device without previously obtaining a court order under Section 77-23a-15, or under federal law.
- (2) Subsection (1) does not apply to the use of a pen register or trap and trace device by a provider of electronic or wire communications services:
 - (a) relating to the operation, maintenance, and testing of a wire or electronic communications 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
 - (b) to record that a wire or electronic communication was initiated or completed 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 that service; or
 - (c) when the consent of the user of that service has been obtained.
- (3) A knowing or intentional violation of Subsection (1) is a class B misdemeanor.

Amended by Chapter 241, 1991 General Session