

77-23a-5 Traffic in intercepting devices -- Offenses -- Lawful activities.

- (1) Except as otherwise specifically provided in this chapter, any person is guilty of a third degree felony who intentionally:
 - (a) sends through the mail, or sends or carries in intrastate, interstate, or foreign commerce any electronic, mechanical, or other device, knowing or having reason to know that the design of the device renders it primarily useful for the purpose of the surreptitious interception of wire, electronic, or oral communications;
 - (b) manufactures, assembles, possesses, or sells any electronic, mechanical, or other device, knowing or having reason to know that the design of the device renders it primarily useful for the purpose of the surreptitious interception of wire, electronic, or oral communications; or
 - (c) places in any newspaper, magazine, handbill, or other publication any advertisement of:
 - (i) any electronic, mechanical, or other device knowing or having reason to know that the design of the device renders it primarily useful for the purpose of the surreptitious interception of wire, electronic, or oral communications; or
 - (ii) any other electronic, mechanical, or other device, where the advertisement promotes the use of the device for the purpose of the surreptitious interception of wire, electronic, or oral communications.
- (2) The following persons may send through the mail, send or carry in intrastate, interstate, or foreign commerce, or manufacture, assemble, possess, or sell any electronic, mechanical, or other device knowing or having reason to know that the design of the device renders it primarily useful for the purpose of surreptitious interception of wire, electronic, or oral communication:
 - (a) a provider in the normal course of the business of providing that wire or electronic communications service; or
 - (b) an officer, agent, or employee of, or a person under contract with, the United States, a state, or a political subdivision, in the normal course of the activities of the United States, a state, or a political subdivision.

Amended by Chapter 122, 1989 General Session