

(ii) A provider of electronic communications service or remote computing service shall disclose a record or other information pertaining to a subscriber to or a customer of the service to an investigative or law enforcement officer only if the officer:

1. Uses a subpoena issued by a court of competent jurisdiction, a State grand jury subpoena, or a subpoena authorized under Article 10, § 39A of the Code;
2. Obtains a warrant from a court of competent jurisdiction;
3. Obtains a court order requiring the disclosure under subsection (d) of this section; or
4. Has the consent of the subscriber or customer to the disclosure.

(3) An investigative or law enforcement officer receiving records or information under this subsection is not required to provide notice to a subscriber or customer.

10-4A-05.

(a) (1) A subpoena or court order issued under § 10-4A-04 of this subtitle may include a requirement that the service provider to whom the request is directed create a backup copy of the contents of the electronic communications sought in order to preserve those communications. Without notifying the subscriber or customer of the subpoena or court order, the service provider shall create a backup copy as soon as practicable consistent with the provider's regular business practices and shall confirm to the governmental entity that the backup copy has been made. The service provider shall create a backup copy under this subsection within [2 business days] 24 HOURS after the day on which the service provider receives the subpoena or court order.

10-4B-01.

(a) In this subtitle the following words have the meanings indicated.

(b) "Wire communication", "electronic communication", and "electronic communication service" have the meanings stated in § 10-401 of this title.

(c) "Court of competent jurisdiction" means [a] ANY circuit court HAVING JURISDICTION OVER THE CRIME BEING INVESTIGATED REGARDLESS OF THE LOCATION OF THE INSTRUMENT OR PROCESS FROM WHICH A WIRE OR ELECTRONIC COMMUNICATION IS TRANSMITTED OR RECEIVED.

(d) (1) "Pen register" means a device OR PROCESS that records and decodes [electronic or other impulses that identify the numbers dialed or otherwise transmitted on the telephone line to which the device is attached] DIALING, ROUTING, ADDRESSING, OR SIGNALING INFORMATION TRANSMITTED BY AN INSTRUMENT OR FACILITY FROM WHICH A WIRE OR ELECTRONIC COMMUNICATION IS TRANSMITTED.