

§642. Authority to obtain and disclose content information held by a provider of electronic communication service or remote computing service

1. Authority to obtain. A government entity may obtain electronic device content information directly from a provider of electronic communication service or remote computing service only in accordance with a valid search warrant issued by a duly authorized justice, judge or justice of the peace using procedures established pursuant to Title 15, section 55 or 56 or as otherwise provided in this subchapter.

[PL 2023, c. 499, §7 (AMD).]

2. Authority to disclose. A provider of electronic communication service or remote computing service may disclose electronic device content information to a government entity only pursuant to a warrant issued by a duly authorized justice, judge or justice of the peace or as otherwise provided in this subchapter.

[PL 2023, c. 499, §7 (AMD).]

3. Exception; legally protected health care activity. Notwithstanding any provision of state law to the contrary and except as required by federal law, a justice, judge or justice of the peace may not issue a search warrant permitting a government entity to obtain electronic device content information directly from a provider of electronic communication service or remote computing service that relates to an investigation into legally protected health care activity or aiding and assisting legally protected health care activity. For purposes of this subsection, "aiding and assisting legally protected health care activity" and "legally protected health care activity" have the same meanings as in Title 14, section 9002, subsection 1 and 8, respectively.

[PL 2023, c. 648, Pt. C, §2 (NEW).]

REVISOR'S NOTE: §642. Warrant needed for acquisition of location information (As enacted by PL 2013, c. 409, §1 is REALLOCATED TO TITLE 16, SECTION 648)

SECTION HISTORY

RR 2013, c. 1, §29 (RAL). PL 2013, c. 402, §1 (NEW). PL 2013, c. 409, §1 (NEW). PL 2013, c. 519, §5 (AMD). PL 2017, c. 144, §4 (AMD). PL 2023, c. 499, §7 (AMD). PL 2023, c. 648, Pt. C, §2 (AMD).

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