

Article - Courts and Judicial Proceedings

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§10–401.

As used in this subtitle the following terms have the meanings indicated:

(1) “Aggrieved person” means a person who was a party to any intercepted wire, oral, or electronic communication or a person against whom the interception was directed.

(2) “Aural transfer” means a transfer containing the human voice at any point between and including the point of origin and the point of reception.

(3) “Communications common carrier” means any person engaged as a common carrier for hire in the transmission of wire or electronic communications.

(4) “Contents”, when used with respect to any wire, oral, or electronic communication, includes any information concerning the identity of the parties to the communication or the existence, substance, purport, or meaning of that communication.

(5) (i) “Electronic communication” means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photooptical system.

(ii) “Electronic communication” does not include:

1. Any wire or oral communication;
2. Any communication made through a tone-only paging device; or
3. Any communication from a tracking device.

(6) “Electronic communication service” means any service that provides to users of the service the ability to send or receive wire or electronic communications.

(7) “Electronic communications system” means any wire, radio, electromagnetic, photooptical, or photoelectronic facilities for the transmission of

wire or electronic communications, and any computer facilities or related electronic equipment for the electronic storage of electronic communications.

(8) “Electronic, mechanical, or other device” means any device or electronic communication other than:

(i) Any telephone or telegraph instrument, equipment or other facility for the transmission of electronic communications, or any component thereof, (a) furnished to the subscriber or user by a provider of wire or electronic communication service in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business or furnished by the subscriber or user for connection to the facilities of the service and used in the ordinary course of its business; or (b) being used by a communications common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his duties; or

(ii) A hearing aid or similar device being used to correct subnormal hearing to not better than normal.

(9) “Electronic storage” means:

(i) Any temporary, intermediate storage of a wire or electronic communication incidental to the electronic transmission of the communication; and

(ii) Any storage of a wire or electronic communication by an electronic communication service for purposes of backup protection of the communication.

(10) “Intercept” means the aural or other acquisition of the contents of any wire, electronic, or oral communication through the use of any electronic, mechanical, or other device.

(11) “Investigative or law enforcement officer” means any officer of this State or a political subdivision of this State, who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in this subtitle, any sworn law enforcement officer of the federal government or of any other state or a political subdivision of another state, working with and under the direction of an investigative or law enforcement officer of this State or a political subdivision of this State, and any attorney authorized by law to prosecute or participate in the prosecution of such offenses.

(12) “Judge of competent jurisdiction” means a judge of any circuit court within the State having jurisdiction over the offense under investigation.

(13) (i) “Oral communication” means any conversation or words spoken to or by any person in private conversation.

(ii) “Oral communication” does not include any electronic communication.

(14) “Person” means any employee or agent of this State or a political subdivision thereof, and any individual, partnership, association, joint stock company, trust, or corporation.

(15) “Readily accessible to the general public” means, with respect to a radio communication, that the communication is not:

(i) Scrambled or encrypted;

(ii) Transmitted using modulation techniques the essential parameters of which have been withheld from the public with the intention of preserving the privacy of the communication; or

(iii) Except for tone-only paging device communications, transmitted over frequencies reserved for private use and licensed for private use under federal or State law.

(16) “Telephone solicitation theft” means conduct of a person that:

(i) Constitutes the offense of theft or attempted theft; and

(ii) Involves the use of a telephone to solicit the payment of money.

(17) “User” means any person or entity that:

(i) Uses an electronic communication service; and

(ii) Is duly authorized by the provider of the service to engage in that use.

(18) “Wire communication” means any aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception (including the use of a connection in a switching station) furnished or operated by any person licensed to engage in providing or operating such facilities for the transmission of communications.

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