

§643. Notice

Notice must be given to the owner or user of a portable electronic device whose content information was obtained by a government entity. The notice requirements of this section do not apply if the government entity is unable to identify the owner or user of a portable electronic device. [PL 2019, c. 489, §7 (AMD).]

1. Timing and content of notice. Unless the court determines under subsection 2 that no notice is required, the government entity shall provide notice to the owner or user that content information was obtained by the government entity from a provider of electronic communication service or remote computing service within 3 days of obtaining the content information. The notice must be made by service or delivered by registered or first-class mail, e-mail or any other means reasonably calculated to be effective as specified by the court issuing the warrant. The notice must contain the following information:

A. The nature of the law enforcement inquiry, with reasonable specificity; [PL 2013, c. 402, §1 (NEW).]

B. The content information of the owner or user that was supplied to or requested by the government entity and the date on which it was provided or requested; and [PL 2013, c. 402, §1 (NEW).]

C. The identity of the provider of electronic communication service or remote computing service from whom the information was obtained. [PL 2019, c. 489, §8 (AMD).]
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2. Notification not required. A government entity acting under section 642 may include in the application for a warrant a request for an order to waive the notification required under this section. The court may issue the order if the court determines that there is reason to believe that notification will have an adverse result.
[PL 2013, c. 402, §1 (NEW).]

3. Preclusion of notice to owner or user subject to warrant for content information. A government entity acting under section 642 may include in its application for a warrant a request for an order directing a provider of electronic communication service to which a warrant is directed not to notify any other person of the existence of the warrant. The court may issue the order if the court determines that there is reason to believe that notification of the existence of the warrant will have an adverse result.
[PL 2013, c. 402, §1 (NEW).]

REVISOR'S NOTE: §643. Notice (As enacted by PL 2013, c. 409, §1 is REALLOCATED TO TITLE 16, SECTION 649)

SECTION HISTORY

RR 2013, c. 1, §30 (RAL). PL 2013, c. 402, §1 (NEW). PL 2013, c. 409, §1 (NEW). PL 2019, c. 489, §§7, 8 (AMD).

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