

808B.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. "*Aggrieved person*" means a person who was a party to an intercepted wire, oral, or electronic communication or a person against whom the interception was directed.
2. "*Contents*", when used with respect to a wire, oral, or electronic communication, includes any information concerning the identity of the parties to the communication or the existence, substance, purpose, or meaning of that communication.
3. "*Court*" means a district court in this state.
4. "*Electronic communication*" means any transfer of signals, signs, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photooptical system that affects intrastate, interstate, or foreign commerce, but excludes the following:
 - a. Wire or oral communication.
 - b. Communication made through a tone-only paging device.
 - c. Communication from a tracking device.
5. "*Electronic, mechanical, or other device*" means a device or apparatus which can be used to intercept a wire, oral, or electronic communication other than either of the following:
 - a. A telephone or telegraph instrument, equipment, or facility, or any component of it which is either of the following:
 - (1) Furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of the subscriber's or user's business.
 - (2) 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 the officer's duties.
 - b. A hearing aid or similar device being used to correct subnormal hearing to not better than normal hearing.
6. "*Intercept*" or "*interception*" means the aural acquisition of the contents of a wire, oral, or electronic communication through the use of an electronic, mechanical, or other device.
7. "*Investigative or law enforcement officer*" means a peace officer of this state or one of its political subdivisions or of the United States who is empowered by law to conduct investigations of or to make arrests for criminal offenses, the attorney general, or a county attorney authorized by law to prosecute or participate in the prosecution of criminal offenses.
8. "*Oral communication*" means an oral communication uttered by a person exhibiting an expectation that the communication is not subject to interception, under circumstances justifying that expectation.
9. "*Pen register*" means a device which records or decodes electronic or other impulses which identify the numbers dialed or otherwise transmitted on the telephone line to which such device is attached. However, such term excludes any device used by a provider or customer of a wire or electronic communication service

for billing, or recording as an incident to billing, for communications services provided by such provider of any device used by a provider, or any device used by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business.

10. "*Special state agent*" means a sworn peace officer member of the department of public safety.

11. "*Trap and trace device*" means a device which captures the incoming electronic or other impulses which identify the originating number of an instrument or device from which a wire or electronic communication was transmitted.

12. "*Wire communication*" means a communication 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, furnished or operated by a person engaged as a common carrier in providing or operating the facilities for the transmission of communications.

89 Acts, ch 225, §22; 99 Acts, ch 78, §15