

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.
 - d. Electronic funds transfer information stored by a financial institution in a communication system used for the electronic storage and transfer of funds.
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. An “*oral communication*” does not include an electronic communication.
9. “*Pen register*” means a device or process which records or decodes dialing, routing, addressing, or signaling information, but not the contents of the communication, transmitted by an instrument or facility from which a wire or electronic communication is transmitted. “*Pen register*” does not include any device or process 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 or any device or process 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 or process which captures the incoming electronic or other impulses which identify the originating number or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication, but does not capture the contents of any communication.
12. “*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 such

connection in a switching station, furnished or operated by any person engaged in providing or operating such facilities for the transmission of interstate or foreign communications or communications affecting interstate or foreign commerce.

89 Acts, ch 225, §22; 99 Acts, ch 78, §1 – 5; 2009 Acts, ch 88, §6 – 8