

808B.12 Emergency installation and use — subsequent application and order.

1. Notwithstanding any other provision of this chapter, a special state agent authorized by the prosecuting attorney or an assistant attorney general who reasonably determines that an emergency situation described in subsection 2 exists which requires the installation and use of a pen register or a trap and trace device before an order authorizing such installation and use can be obtained with due diligence, may install and use a pen register or trap and trace device, if an order approving the installation or use is applied for and issued in accordance with section 808B.11 within forty-eight hours of the installation.

2. Subsection 1 applies in the following emergency situations:

- a. Immediate danger of death or serious bodily injury to a person.
- b. Conspiratorial activities characteristic of organized crime.
- c. Immediate threat to a national security interest.
- d. Ongoing attack on a computer that constitutes a crime punishable by a term of imprisonment greater than one year.

3. In the absence of an authorizing order, such use shall immediately terminate when the information sought is obtained, when the application for the order is denied, or when forty-eight hours have lapsed since the installation of the pen register or trap and trace device, whichever is earlier.

4. The knowing installation or use by any investigative or law enforcement officer of a pen register or trap and trace device pursuant to subsection 1 without application for the authorizing order within forty-eight hours of the installation constitutes a serious misdemeanor.

5. A provider of a wire or electronic communication service, landlord, custodian, or other person who furnishes facilities or technical assistance pursuant to this section shall be reasonably compensated for such reasonable expenses incurred in providing such facilities and assistance.

99 Acts, ch 78, §27; 99 Acts, ch 208, §66, 67; 2009 Acts, ch 88, §13

Referred to in §808B.10, 808B.11, 808B.13