

§649. Notice**(REALLOCATED FROM TITLE 16, SECTION 643)**

Notice must be given to the owner or user of an electronic device whose location information was obtained by a government entity. The government entity's notification obligation applies only if the government entity is able to identify the owner or user. [RR 2013, c. 1, §30 (RAL).]

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 location information was obtained by the government entity from that owner's or user's electronic device within 3 days of obtaining the location 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; [RR 2013, c. 1, §30 (RAL).]

B. The location 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 [RR 2013, c. 1, §30 (RAL).]

C. If location information was obtained from a provider of electronic communication service, location information service or remote computing service or other 3rd party, the identity of the provider of electronic communication service, location information service or remote computing service or the 3rd party from whom the information was obtained. [PL 2019, c. 489, §14 (AMD).]
[PL 2019, c. 489, §14 (AMD).]

2. Notification not required. A government entity acting under section 648 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. 588, Pt. A, §21 (AMD).]

3. Preclusion of notice to owner or user subject to warrant for location information. A government entity acting under section 648 may include in its application for a warrant a request for an order directing a provider of electronic communication service, remote computing service or location information 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 2019, c. 489, §15 (AMD).]

SECTION HISTORY

RR 2013, c. 1, §30 (RAL). PL 2013, c. 588, Pt. A, §21 (AMD). PL 2019, c. 489, §§14, 15 (AMD).

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