

## CHAPTER 270

**AN ACT** concerning information to be disclosed to law enforcement by providers of electronic communication or remote computing services and amending P.L.1993, c.29.

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

1. Section 23 of P.L.1993, c.29 (C.2A:156A-29) is amended to read as follows:

C.2A:156A-29 Requirements for access.

23. Requirements for access.

a. A law enforcement agency, but no other governmental entity, may require the disclosure by a provider of electronic communication service or remote computing service of the contents of an electronic communication without notice to the subscriber or the customer if the law enforcement agency obtains a warrant.

b. Except as provided in subsection c. of this section, a provider of electronic communication service or remote computing service may disclose a record or other information pertaining to a subscriber or customer of the service to any person other than a governmental entity. This subsection shall not apply to the contents covered by subsection a. of this section.

c. A provider of electronic communication service or remote computing service shall disclose a record or other information pertaining to a subscriber or customer of the service, other than contents covered by subsections a. and f. of this section, to a law enforcement agency under the following circumstances:

- (1) the law enforcement agency has obtained a warrant;
- (2) the law enforcement agency has obtained the consent of the subscriber or customer to the disclosure; or
- (3) the law enforcement agency has obtained a court order for such disclosure under subsection e. of this section.

A law enforcement agency receiving records or information pursuant to this subsection is not required to provide notice to the customer or subscriber.

d. Notwithstanding any other provision of law to the contrary, no service provider, its officers, employees, agents or other specified persons shall be liable in any civil action for damages as a result of providing information, facilities or assistance in accordance with the terms of a court order or warrant under this section.

e. A court order for disclosure under subsection b. or c. may be issued by a judge of competent jurisdiction and shall issue only if the law enforcement agency offers specific and articulable facts showing that there are reasonable grounds to believe that the record or other information pertaining to a subscriber or customer of an electronic communication service or remote computing service is relevant and material to an ongoing criminal investigation. A judge who has issued an order pursuant to this section, on a motion made promptly by the service provider, may quash or modify such order, if the information or records requested are unusually voluminous in nature or compliance with such order otherwise would cause an undue burden on such provider.

f. A provider of electronic communication service or remote computing service shall disclose to a law enforcement agency or to the State Commission of Investigation the:

- (1) name;
- (2) address;
- (3) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address;
- (4) local and long distance telephone connection records or records of session times and durations;
- (5) length of service, including start date, and types of services utilized; and
- (6) means and source of payment for such service, including any credit card or bank account number,

of a subscriber to or customer of such service when the law enforcement agency obtains a grand jury or trial subpoena or when the State Commission of Investigation issues a subpoena.

g. Upon the request of a law enforcement agency, a provider of wire or electronic communication service or a remote computing service shall take all necessary steps to preserve, for a period of 90 days, records and other evidence in its possession pending the issuance of a

court order or other legal process. The preservation period shall be extended for an additional 90 days upon the request of the law enforcement agency.

2. This act shall take effect on the first day of the fourth month after enactment.

Approved January 5, 2006.