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U.S. Code (</uscode/text>) › Title 18 (</uscode/text/18>) › Part II (</uscode/text/18/part-II>) › Chapter 206 (</uscode/text/18/part-II/chapter-206>) › § 3121

Current through Pub. L. 114-38 (<http://www.gpo.gov/fdsys/pkg/PLAW-114publ38/html/PLAW-114publ38.htm>). (See Public Laws for the current Congress (<http://thomas.loc.gov/home/LegislativeData.php?n=PublicLaws>).)

**US Code** ([/uscode/text/18/3121?qt-us\\_code\\_temp\\_noupdates=0#qt-us\\_code\\_temp\\_noupdates](/uscode/text/18/3121?qt-us_code_temp_noupdates=0#qt-us_code_temp_noupdates))

**Notes** ([/uscode/text/18/3121?qt-us\\_code\\_temp\\_noupdates=1#qt-us\\_code\\_temp\\_noupdates](/uscode/text/18/3121?qt-us_code_temp_noupdates=1#qt-us_code_temp_noupdates))

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**(a) In General.**— Except as provided in this section, no person may install or use a pen register or a trap and trace device without first obtaining a court order under section 3123 (</uscode/text/18/3123>) of this title or under the Foreign Intelligence Surveillance Act of 1978 (50 (</uscode/text/50>) U.S.C. 1801 (</uscode/text/50/1801>) et seq.).

**(b) Exception.**— The prohibition of subsection (a) does not apply with respect to the use of a pen register or a trap and trace device by a provider of electronic or wire communication service—

(1) relating to the operation, maintenance, and testing of a wire or electronic communication service or to the protection of the rights or property of such provider, or to the protection of users of that service from abuse of service or unlawful use of service; or

(2) to record the fact that a wire or electronic communication was initiated or completed in order to protect such provider, another provider furnishing service toward the completion of the wire communication, or a user of that service, from fraudulent, unlawful or abusive use of service; or (3) where the consent of the user of that service has been obtained.

**(c) Limitation.**— A government agency authorized to install and use a pen register or trap and trace device under this chapter or under State law shall use technology reasonably available to it that restricts the recording or decoding of electronic or other impulses to the dialing, routing, addressing, and signaling information utilized in the processing and transmitting of wire or electronic communications so as not to include the contents of any wire or electronic communications.

**(d) Penalty.**— Whoever knowingly violates subsection (a) shall be fined under this title or imprisoned not more than one year, or both.

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Title 18 USC, RSS Feed  ([https://www.law.cornell.edu/uscode/rss/usc\\_update\\_18.rss](https://www.law.cornell.edu/uscode/rss/usc_update_18.rss))

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