

(2) IT IS NOT A DEFENSE TO A VIOLATION OF THIS SECTION THAT SOME OF THE ACTS CONSTITUTING THE VIOLATION OCCURRED OUTSIDE OF THIS STATE.

(F) (1) ANY PERSON AGGRIEVED BY A VIOLATION OF THIS SECTION MAY BRING A CIVIL ACTION IN ANY COURT OF COMPETENT JURISDICTION.

(2) THE COURT MAY:

(I) IMPOSE PRELIMINARY AND FINAL INJUNCTIONS TO PREVENT OR RESTRAIN A VIOLATION OF THIS SECTION;

(II) AT ANY TIME WHILE AN ACTION IS PENDING, ORDER THE IMPOUNDING, ON TERMS THE COURT CONSIDERS TO BE REASONABLE, OF ANY UNLAWFUL TELECOMMUNICATION ~~OR~~ DEVICE OR ACCESS CODE OR UNLAWFUL ACCESS DEVICE THAT IS IN THE CUSTODY OR CONTROL OF THE VIOLATOR AND THAT THE COURT HAS REASONABLE CAUSE TO BELIEVE WAS INVOLVED IN THE ALLEGED VIOLATION OF THIS SECTION;

(III) AWARD DAMAGES UNDER PARAGRAPH ~~(3)~~ (4) OF THIS SUBSECTION; OR

~~(IV) IN ITS DISCRETION, AWARD TO AN AGGRIEVED PARTY WHO PREVAILS REASONABLE ATTORNEY FEES AND COSTS, INCLUDING COSTS FOR INVESTIGATION, TESTING, AND EXPERT WITNESS FEES; AND~~

~~(4)~~ AS PART OF A FINAL JUDGMENT OR DECREE FINDING A VIOLATION OF THIS SECTION, ORDER THE REMEDIAL MODIFICATION OR DESTRUCTION OF ANY UNLAWFUL TELECOMMUNICATION ~~OR~~ DEVICE OR ACCESS CODE OR UNLAWFUL ACCESS DEVICE INVOLVED IN THE VIOLATION THAT IS IN THE CUSTODY OR CONTROL OF THE VIOLATOR OR HAS BEEN IMPOUNDED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.

(3) THIS SUBSECTION MAY NOT BE CONSTRUED TO GRANT THE DISTRICT COURT AUTHORITY TO GRANT RELIEF UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION.

~~(2)~~ (4) (I) DAMAGES AWARDED BY A COURT UNDER THIS SECTION MAY BE COMPUTED AS ACTUAL DAMAGES SUFFERED BY THE COMPLAINING PARTY AS A RESULT OF THE VIOLATION OF THIS SECTION AND ANY PROFITS OF THE VIOLATOR THAT ARE ATTRIBUTABLE TO THE VIOLATION AND ARE NOT TAKEN INTO ACCOUNT IN COMPUTING THE ACTUAL DAMAGES.

(II) IN DETERMINING THE PROFITS OF THE VIOLATOR UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH:

1. THE COMPLAINING PARTY MUST PROVE ONLY THE VIOLATOR'S GROSS REVENUE; AND

2. THE VIOLATOR MUST PROVE THE DEDUCTIBLE EXPENSES AND ELEMENTS OF PROFIT ATTRIBUTABLE TO FACTORS OTHER THAN THE VIOLATION.

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