

Fall 2010

LEGISLATIVE WATCH



American Correctional Officer Intelligence Network

SAFE PRISONS COMMUNICATIONS ACT OF 2009

"In many prisons, cell phones have become as valuable as drugs, if not more so. In a recent sting operation in Texas, an undercover officer was offered \$200 by a prisoner for a cell phone and only \$50 for heroin."
- Times, May 26, 2009

With today's technology comes a new threat to our institutions. More and more facilities are having problems with cell phones in the cells. Not only are they being used to contact loved ones, but they are being used to plan escapes, orchestrate crimes and order retaliation against other inmates or staff. That is why the American Correctional Officer supports H.R. 560, Safe Prisons Communications Act of 2009 :

Safe Prisons Communications Act of 2009 - Amends the Communications Act of 1934 to authorize the director of the Federal Bureau of Prisons or the chief executive officer of a state to petition the Federal Communications Commission (FCC) to permit the installation of devices to prevent, jam, or interfere with wireless communications within the geographic boundaries of a specific prison, penitentiary, or correctional facility under his or her jurisdiction.

Requires that the device be operated on a directional basis, using all other interference-limiting capabilities available to the device, or otherwise so that the device does not interfere with wireless communications that originate and terminate outside the area of the prison, penitentiary, or correctional facility.

Requires the FCC to adopt a final rule establishing criteria for certification for the manufacture, sale, importation, and interstate shipment of such devices

**Safe Prisons Communications Act of 2009
(Introduced in House)**

HR 560 IH

111th CONGRESS

1st Session

H. R. 560

To amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities.

IN THE HOUSE OF REPRESENTATIVES

January 15, 2009

Mr. BRADY of Texas (for himself, Mr. POE of Texas, Mr. SESSIONS, and Mr. SMITH of Texas) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ' Safe Prisons Communications Act of 2009'.

SEC. 2. INTERFERENCE PERMITTED WITHIN PRISONS.

Section 333 of the Communications Act of 1934 (47 U.S.C. 333) is amended--

(1) by inserting

'(a) IN GENERAL- ' before ' No person'; and

2) by adding at the end the following:

'(b) EXCEPTION FOR PRISONS-

'(1) Waiver-

'(A) IN GENERAL- The Director of the Federal Bureau of Prisons or the chief executive officer of a State (or his or her designee) may, by petition, request that the Commission grant a waiver of subsection (a) to permit the installation of devices for the sole purpose of preventing, jamming, or interfering with wireless communications within the geographic boundaries of a specified prison, penitentiary, or correctional facility under his or her jurisdiction.

'(B) TERM- A waiver granted under this subsection shall be for a term not to exceed 10 years, but shall be renewable by petition.

'(C) FEE- The Commission may not charge a filing fee for a petition under this paragraph.

'(2) Notification; database-

'(A) NOTIFICATION OF CARRIERS- Upon receipt of a petition under paragraph (1), the Commission shall provide a copy of the petition to each commercial mobile service provider serving the area that includes the prison, penitentiary, or correctional facility to which the petition applies.

'(B) DATABASE- The Commission shall maintain an electronic database containing a copy of each such petition received by it and the disposition thereof. The Commission shall update the database at least monthly and shall make the database publicly available on the Commission's Internet website and publish a copy of the database in the Federal Register at least quarterly.

` (3) DISPOSITION OF PETITION- In determining whether to grant a requested waiver, the Commission shall consider, among other factors, whether the grant of the waiver would interfere with emergency or public safety communications. The Commission shall act on a request under this subsection within 60 calendar days after the date on which the Commission receives the petition.

` (4) TRANSFER PROHIBITED- A prison, penitentiary, or correctional facility that receives a waiver pursuant to this subsection may not transfer the ownership or right to use any device authorized pursuant to the waiver to any third party for use outside the area of the prison, penitentiary, or correctional facility for which the waiver was granted.

` (5) LIMITATIONS ON USE- Within 1 year after the date of enactment of the Safe Prisons Communications Act of 2009, the Commission shall adopt final regulations governing the use of devices authorized by a waiver under this subsection that, at a minimum, require that the prison, penitentiary, or correctional facility--

` (A) utilize a device--

` (i) authorized by the Commission; and

` (ii) specifically approved by the Commission for the purpose described in paragraph (1);

` (B) operate the device at the lowest possible transmission power necessary to prevent, jam, or interfere with wireless communications by inmates; and

` (C) operate the device in a manner that does not interfere with wireless communications that originate and terminate outside the area of the prison, penitentiary, or correctional facility, by operating the device on a directionalized basis, by utilizing all other interference-limiting capabilities available to the device, or otherwise.

` (6) Suspension; revocation-

` (A) TERMINATION OR SUSPENSION OF WAIVER-

` (i) NOTICE FROM PROVIDER- The Commission shall suspend a waiver granted under this subsection with respect to a prison, penitentiary, or correctional facility upon receiving written notice from a commercial mobile service provider, supported by affidavit and such documentation as the Commission may require, stating that use of a device by or at such prison, penitentiary, or correctional facility is interfering with commercial mobile service provided by that provider or is otherwise preventing or jamming such communications (other than within the confines of such prison, penitentiary, or correctional facility). Within 90 days after receiving such a notice and documentation, the Commission shall con-

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Political Action
We can't do it without your help!

From time to time we may need you to help us, help you by contacting your local, state or federal elected officials. Here are some tips on contacting your representative provided by congress.org.

Tips on Telephoning your elected Officials:

To find your senators' and representative's phone numbers, you may use the searchable online congressional directory at **congress.org**, or call the U.S. Capitol Switchboard at (202)224-3121 and ask for your senators' and/or representative's office.

Telephone calls are usually taken by a staff member, not the member of Congress. Ask to speak with the aide who handles the issue about which you wish to comment. We will provide this information if we have it at the time.

If you are a constituent of the official the call may have more impact. Identify yourself and where you live, tell the aide you would like to leave a brief message, such as: "Please tell Senator/Representative (Name) that I support/oppose (S.___/H.R.___)."

You will also want to state reasons for your support or opposition to the bill. Ask for your senators' or representative's position on the bill. You may also request a written response to your telephone call.

Tips on Writing your elected Officials:

The letter is the most popular choice of communication with a congressional office. If you decide to write a letter, this list of helpful suggestions will improve the effectiveness of the letter:

Your purpose for writing should be stated in the first paragraph of the letter. If your letter pertains to a specific piece of legislation, identify it accordingly, e.g., House bill: H. R. ____, Senate bill: S. ____.

Be courteous, to the point, and include key information, using examples to support your position. Address only one issue in each letter; and, if possible, keep the letter to one page.

Addressing Correspondence:

To a Senator:

The Honorable (full name)
__(Rm.#)__(name of)Senate Office Building
United States Senate
Washington, DC 20510

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clude an investigation to determine whether the device authorized for use at the prison, penitentiary, or correctional facility is causing such interference and shall issue an order reinstating, modifying, or terminating the waiver based on its findings and conclusions.

`(ii) NONCOMPLIANT USAGE- If the Commission has reason to believe that a prison, penitentiary, or correctional facility for which a waiver has been granted under this subsection is not in compliance with the regulations under this subsection, the Commission shall suspend the waiver until it can make a determination with respect to such compliance after notice and an opportunity for a hearing.

`(B) REVOCATION- The Commission may revoke a waiver under this section for willful or repeated violations, or failure to observe the requirements, of the waiver or the regulations promulgated by the Commission under this subsection.

`(C) INTERIM USAGE- If the Commission initiates a suspension or a revocation proceeding under this paragraph, it may prohibit use of the device to which the waiver relates at the prison, penitentiary, or correctional facility for which the waiver was granted during the pendency of any such proceeding.'

SEC. 3. DEVICE CERTIFICATION CRITERIA RULEMAKING.

(a) IN GENERAL- Not later than 180 days after the date of enactment of this Act, the Federal Communications Commission shall adopt a final rule establishing criteria for certification for the manufacture, sale, importation, and interstate shipment of devices that may be used pursuant to a waiver under section 333(b) of the Communications Act of 1934 (47 U.S.C. 333(b)), notwithstanding section 302 of such Act (47 U.S.C. 302a). The regulations shall require, at a minimum, that any such device--

(1) operate at the lowest technically feasible transmission power that will permit prison, penitentiary, or correctional staff to prevent, jam, or interfere with wireless communications within the geographic boundaries of a specified prison, penitentiary, or correctional facility;

(2) be capable of directionalized operation; and

(3) comply with any other technical standards deemed necessary or appropriate by the Commission to ensure that the device does not create interference to other than the targeted wireless communications.

(b) CERTIFICATION PROCESS- After the date on which the final rule promulgated under subsection (a) is published in the Federal Register, the Commission shall grant or deny an application for certification of a device described in subsection (a) within 180 calendar days of receiving an application therefor.



(Continued from page 3)

Dear Senator:

To A Representative:

The Honorable (full name)
__(Rm.#)__(name of)House Office Building
United States House of Representatives
Washington, DC 20515

Dear Representative:

Note: When writing to the Chair of a Committee or the Speaker of the House, it is proper to address them as:

Dear Mr. Chairman or Madam Chairwoman:
or Dear Mr. Speaker:



2009 ACO Fall Conference Seminar: "Blocking Cell Phones in the Correctional Facility"



H.R.560 SPONSORS:

Sponsor: [Rep Brady, Kevin](#) [TX-8] (introduced 1/15/2009)

CO-SPONSORS(51)



Correctional Officer Jose Sandoval inspects one of the more than 2,000 cell phones confiscated from inmates at California State Prison in Vacaville, California.

H.R.560

All Congressional Actions:

- [Rep Akin, W. Todd](#) [MO-2] - 2/13/2009
- [Rep Andrews, Robert E.](#) [NJ-1] - 9/15/2009
- [Rep Baird, Brian](#) [WA-3] - 2/4/2009
- [Rep Bartlett, Roscoe G.](#) [MD-6] - 2/13/2009
- [Rep Bishop, Rob](#) [UT-1] - 2/13/2009
- [Rep Boozman, John](#) [AR-3] - 2/13/2009
- [Rep Brown, Henry E., Jr.](#) [SC-1] - 2/13/2009
- [Rep Cassidy, Bill](#) [LA-6] - 10/8/2009
- [Rep Cole, Tom](#) [OK-4] - 2/13/2009
- [Rep Connolly, Gerald E. "Gerry"](#) [VA-11] - 10/15/2009
- [Rep Edwards, Chet](#) [TX-17] - 9/15/2009
- [Rep Foxx, Virginia](#) [NC-5] - 2/23/2009
- [Rep Gohmert, Louie](#) [TX-1] - 2/13/2009
- [Rep Harper, Gregg](#) [MS-3] - 4/27/2009
- [Rep Jenkins, Lynn](#) [KS-2] - 2/24/2009
- [Rep Kratovil, Frank, Jr.](#) [MD-1] - 5/20/2009
- [Rep Latham, Tom](#) [IA-4] - 9/29/2009
- [Rep Linder, John](#) [GA-7] - 9/29/2009
- [Rep Marchant, Kenny](#) [TX-24] - 3/25/2009
- [Rep Moran, Jerry](#) [KS-1] - 7/8/2009
- [Rep Neugebauer, Randy](#) [TX-19] - 4/2/2009
- [Rep Pitts, Joseph R.](#) [PA-16] - 2/13/2009
- [Rep Schmidt, Jean](#) [OH-2] - 2/13/2009
- [Rep Smith, Lamar](#) [TX-21] - 1/15/2009
- [Rep Tiahrt, Todd](#) [KS-4] - 1/26/2010
- [Rep Wilson, Joe](#) [SC-2] - 5/12/2009
- [Rep Alexander, Rodney](#) [LA-5] - 3/17/2009
- [Rep Bachmann, Michele](#) [MN-6] - 2/13/2009
- [Rep Barrett, J. Gresham](#) [SC-3] - 2/13/2009
- [Rep Berry, Marion](#) [AR-1] - 2/3/2009
- [Rep Blackburn, Marsha](#) [TN-7] - 2/13/2009
- [Rep Broun, Paul C.](#) [GA-10] - 2/13/2009
- [Rep Burton, Dan](#) [IN-5] - 2/13/2009
- [Rep Chaffetz, Jason](#) [UT-3] - 6/12/2009
- [Rep Conaway, K. Michael](#) [TX-11] - 2/13/2009
- [Rep Davis, Geoff](#) [KY-4] - 6/2/2009
- [Rep Fallin, Mary](#) [OK-5] - 2/13/2009
- [Rep Gingrey, Phil](#) [GA-11] - 2/13/2009
- [Rep Green, Gene](#) [TX-29] - 4/21/2009
- [Rep Hoekstra, Peter](#) [MI-2] - 2/13/2009
- [Rep King, Steve](#) [IA-5] - 2/13/2009
- [Rep Lamborn, Doug](#) [CO-5] - 2/13/2009
- [Rep Latta, Robert E.](#) [OH-5] - 3/3/2009
- [Rep LoBiondo, Frank A.](#) [NJ-2] - 7/20/2009
- [Rep Moore, Dennis](#) [KS-3] - 5/7/2009
- [Rep Napolitano, Grace F.](#) [CA-38] - 9/25/2009
- [Rep Olson, Pete](#) [TX-22] - 3/25/2009
- [Rep Poe, Ted](#) [TX-2] - 1/15/2009
- [Rep Sessions, Pete](#) [TX-32] - 1/15/2009
- [Rep Thornberry, Mac](#) [TX-13] - 5/4/2009
- [Rep Westmoreland, Lynn A.](#) [GA-3] - 2/13/2009

1/15/2009: Referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

1/15/2009: Referred to House Energy and Commerce

1/15/2009: Referred to House Judiciary

3/16/2009: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.