

## House Resolution 1325

By: Representatives Cheokas of the 134<sup>th</sup>, Davis of the 109<sup>th</sup>, Neal of the 1<sup>st</sup>, Powell of the 171<sup>st</sup>, Collins of the 27<sup>th</sup>, and others

## A RESOLUTION

1 Urging the Congress of the United States to amend the Communications Act of 1934 and  
2 FCC rules so as to permit the use of "cellular jammers" to prevent illegal cell phone use in  
3 prison facilities; and for other purposes.

4 WHEREAS, public safety is an essential function and core mission of any government, and  
5 maintaining a secure prison system is a vital part of the success of that mission; and

6 WHEREAS, there is currently a nation-wide epidemic of organized crime and gang related  
7 violence, particularly within this country's prison systems, and the threat to public safety is  
8 to not only those "inside the wire" but also to the members of the general public whom we  
9 are elected to protect; and

10 WHEREAS, the rampant illegal cell phone use in prison facilities across the United States  
11 is a major contributing factor supporting the growing threat of organized crime, gang  
12 violence, and terrorist threats; and

13 WHEREAS, inmates and detainees illegally use cell phones to coordinate attacks and  
14 protests against staff, expand gang activity, and increase their money and power from behind  
15 bars; and

16 WHEREAS, in 2011, the Georgia Department of Corrections confiscated more than 8,500  
17 illegal cell phones as contraband and arrested more than 300 visitors and 60 staff employees  
18 for attempting to bring illegal cell phones into our state's prisons; and

19 WHEREAS, recent illegal cell phone use in Georgia prisons has caused inmate gang fights,  
20 the hospitalization of 15 inmates, and serious injury to a correctional officer, and unless  
21 something is done to stop the illegal use of cell phones in prison facilities, more serious  
22 injuries and fatalities will occur; and

23 WHEREAS, a study by the Georgia Department of Corrections found that the only  
24 cost-effective technology to resolve the problem of illegal cell phone usage in prisons is the  
25 use of "cellular jammers"; however, the use of "cellular jammers" in prison facilities is  
26 prohibited by FCC rules; and

27 WHEREAS, the Communications Act of 1934, 47 U.S.C. § 302a(b), and FCC rules at 47  
28 C.F.R. § 2.803(a) are outdated federal laws which prohibit the manufacture, importation,  
29 marketing, sale, and operation of "cellular jammers" within the United States, and these  
30 provisions have not been updated to meet the security needs of our nation's prisons; and

31 WHEREAS, carving out an exception for the use of "cellular jammer" technology in prison  
32 facilities is a sound, affordable policy to protect inmates and corrections employees and  
33 promote public safety.

34 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that  
35 the members of this body urge the Congress of the United States to amend the  
36 Communications Act of 1934 and FCC rules so as to authorize the use of "cellular jammers"  
37 in prison facilities to help stop the serious threat of organized criminal activity and for the  
38 preservation of our nation's crucial public safety.

39 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized  
40 and directed to transmit appropriate copies of this resolution to the director of the American  
41 Legislative Exchange Council, the director of the National Conference of State Legislators,  
42 each Governor of each state within the United States of America, the executive head of each  
43 correctional system of each state within the United States of America, the executive head of  
44 each juvenile correctional system of each state within the United States of America, the  
45 director of the Federal Bureau of Prisons, each member of the Georgia congressional  
46 delegation, and Governor Nathan Deal.