

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Joint Resolution 4 (Delegates Love and Sophocleus)
Rules and Executive Nominations

Targeted Interference with Wireless Communication Service Within Correctional Facilities

This joint resolution urges the United States Congress to pass legislation allowing targeted interference with wireless communication service within correctional facilities.

Fiscal Summary

State Effect: Compliance with this joint resolution can be handled with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Under current federal law, the Federal Communications Commission (FCC) does not allow cell phone jamming of any kind.

The federal Safe Prisons Communications Act of 2009 (S.251 and H.R.560) sought to amend 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 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.

Both federal bills were referred to the House Judiciary Committee's Subcommittee on Crime, Terrorism, and Homeland Security. New introductions of the bills are anticipated for the 112th Congress.

Background: Prisoners using cell phones to organize crimes outside of a prison or other detention facility is becoming a more common occurrence around the country. The Associated Press has reported that in July 2009, corrections directors in 26 states, including Maryland, submitted a petition to the FCC asking federal regulators' permission to jam cell phone signals inside state penitentiaries. Nongovernmental radio communications fall under the jurisdiction of the FCC while the National Telecommunications and Information Administration has authority over federal uses of the radio spectrum.

Among concerns over the federal bills expressed by cell phone companies is that targeted jamming runs the risk of blocking signals in areas adjacent to the prison. While awaiting federal action, many prisons have been using specially trained dogs to sniff out cell phones.

Legislation has been introduced in Maryland in 2010 and 2011 that elevates from a misdemeanor to a felony and increases the maximum penalties for offenses pertaining to (1) a person detained or confined in a place of confinement who knowingly conceals a telecommunication device; (2) a person who delivers a telecommunication device to a detained or confined person; (3) a person who possesses a telecommunication device in a place of confinement with the intent to deliver it to a detained or confined person; or (4) a person who deposits or conceals a telecommunication device in a place of confinement or land appurtenant to such a place with the intent that the device be obtained by a detained or confined person. In 2010, HB 78 of 2010, which included these provisions, received an unfavorable report from the House Judiciary Committee.

Additional Information

Prior Introductions: HJ 10 of 2010 received an unfavorable report from the House Rules and Executive Nominations Committee.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services, Department of Legislative Services

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mc/hlb

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