

111TH CONGRESS
2^D SESSION

S. 1749

AN ACT

To amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Cell Phone Contraband
3 Act of 2010”.

4 **SEC. 2. WIRELESS DEVICES IN PRISON.**

5 Section 1791 of title 18, United States Code, is
6 amended—

7 (1) in subsection (b)—

8 (A) in paragraph (4), by striking “or
9 (d)(1)(E)” and inserting “, (d)(1)(E), or
10 (d)(1)(F)”; and

11 (B) in paragraph (5), by striking
12 “(d)(1)(F)” and inserting “(d)(1)(G)”; and

13 (2) in subsection (d)(1)—

14 (A) in subparagraph (E), by striking
15 “and” at the end;

16 (B) by redesignating subparagraph (F) as
17 subparagraph (G); and

18 (C) by inserting after subparagraph (E)
19 the following:

20 “(F) a phone or other device used by a
21 user of commercial mobile service (as defined in
22 section 332(d) of the Communications Act of
23 1934 (47 U.S.C. 332(d))) in connection with
24 such service; and”.

1 **SEC. 3. GAO STUDY.**

2 Not later than 90 days after the date of enactment
3 of this Act, the Comptroller General shall submit a report
4 to Congress with research and findings on the following
5 issues:

6 (1) A study of telephone rates within State and
7 Federal prisons and jails to include information on
8 interstate, intrastate and collect calls made by pris-
9 oners, including—

10 (A) the costs of operating inmate telephone
11 services;

12 (B) the revenue obtained from inmate tele-
13 phone systems;

14 (C) how the revenue from these systems is
15 used by State governments and the Bureau of
16 Prisons; and

17 (D) recommendations to lower telephone
18 costs to inmates and their families, while still
19 maintaining sufficient security.

20 (2) A study of State and Federal efforts to pre-
21 vent the smuggling of cell phones and other wireless
22 devices into prisons and jails, including efforts that
23 State and Federal authorities are making to mini-
24 mize trafficking of cell phones by guards and other
25 prison officials and recommendations to reduce the

1 number of cell phones that are trafficked into pris-
2 ons and jails.

3 (3) A study of cell phone use by inmates in
4 State and Federal prisons and jails, including—

5 (A) the cost that inmates pay for cell
6 phones trafficked into prisons;

7 (B) the quantity of cell phones that are lo-
8 cated in State and Federal prisons and jails;
9 and

10 (C) the quantity of illegal activity that is
11 conducted or facilitated as a result of inmate
12 cell phone use.

Passed the Senate April 13, 2010.

Attest:

Secretary.

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