

1 SB101
2 125349-7
3 By Senator Allen
4 RFD: Judiciary
5 First Read: 07-FEB-12
6 PFD: 01/25/2012

1 SB101

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4 ENROLLED, An Act,

5 Relating to the Alabama Department of Corrections;
6 to provide, subject to exceptions, that it shall be unlawful
7 for an inmate to possess a cellular telephone, wireless
8 communication device, or computer that allows the input,
9 output, examination, or transfer of computer programs from one
10 computer to another person or for a person to possess with the
11 intent to deliver, or delivers, to an inmate in the custody of
12 the Alabama Department of Corrections a cellular telephone,
13 wireless communication device, or computer that allows the
14 input, output, examination, or transfer of computer programs
15 from one computer to another person; to provide criminal
16 penalties; to provide that the crime of unauthorized
17 possession of a cellular telephone, wireless communication
18 device, or a computer that allows the input, output,
19 examination, or transfer of computer programs from one
20 computer to another person by an inmate should not be
21 construed to repeal other criminal laws; to provide that if a
22 person visiting an inmate is found to be in possession of any
23 cellular telephone, wireless communication device, or computer
24 that allows the input, output, examination, or transfer of
25 computer programs from one computer to another person when

1 searched or subjected to a metal detector, that cellular
2 telephone or wireless communication device shall be subject to
3 confiscation; to require posted notices regarding the search
4 and confiscation provisions; to allow the Alabama Department
5 of Corrections to enter into an agreement or contract to
6 detect unauthorized inmate communications by cellular
7 telephone or other wireless communication devices; and in
8 connection therewith would have as its purpose or effect the
9 requirement of a new or increased expenditure of local funds
10 within the meaning of Amendment 621 of the Constitution of
11 Alabama of 1901, now appearing as Section 111.05 of the
12 Official Recompilation of the Constitution of Alabama of 1901,
13 as amended.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. (a) Except as otherwise authorized by
16 law, or when authorized by the person in charge of the prison
17 or other institution subject to this section, or by an officer
18 of the institution empowered to give that authorization, it
19 shall be unlawful for an inmate to possess a cellular
20 telephone, wireless communication device, or computer that
21 allows the input, output, examination, or transfer of computer
22 programs from one computer to another person or for any person
23 to possess with the intent to deliver, or delivers, to an
24 inmate in the custody of the Alabama Department of Corrections
25 a cellular telephone, wireless communication device, or a

1 computer that allows the input, output, examination, or
2 transfer of computer programs from one computer to another
3 person.

4 (b) An inmate in the custody of the Alabama
5 Department of Corrections who by means of a cellular
6 telephone, wireless communication device, or computer
7 communication system that allows the input, output,
8 examination, or transfer of computer programs from one
9 computer to another person any message or information
10 communicates with another person shall provide his or her
11 identity and inmate identification number to the person.

12 (c) Except as otherwise authorized by law, or when
13 authorized by the person in charge of the prison or other
14 institution subject to this section, or by an officer of the
15 institution empowered to give that authorization, it shall be
16 unlawful for an employee of the Department of Corrections or
17 other institution subject to this section to possess with the
18 intent to deliver or delivery to an inmate in the custody of
19 the Department of Corrections a cellular telephone, wireless
20 communication device, or computer that allows input, output,
21 examination, or transfer of computer programs from one
22 computer to another person.

23 (d) A violation of subsection (a), (b), or (c) shall
24 be a Class C felony.

1 (e) This section may not be construed to repeal
2 other criminal laws. Whenever conduct proscribed by this
3 section is also proscribed by any other provision of law, the
4 provision which carries the more serious penalty shall be
5 applied.

6 Section 2. (a) If a person visiting an inmate in the
7 custody of the Alabama Department of Corrections, upon being
8 searched or subjected to a metal detector, is found to be in
9 possession of a cellular telephone, wireless communication
10 device, or a computer communication system that allows the
11 input, output, examination, or transfer of computer programs
12 from one computer to another person, that device or computer
13 shall be subject to confiscation.

14 (b) Notice of this provision shall be posted in each
15 area where visitors are searched prior to visitation with an
16 inmate in the custody of the Alabama Department of
17 Corrections.

18 Section 3. The Alabama Department of Corrections may
19 enter into an agreement or contract to detect unauthorized
20 inmate communications by cellular telephone or other wireless
21 communication device.

22 Section 4. Although this bill would have as its
23 purpose or effect the requirement of a new or increased
24 expenditure of local funds, the bill is excluded from further
25 requirements and application under Amendment 621, now

1 appearing as Section 111.05 of the Official ReCompilation of
2 the Constitution of Alabama of 1901, as amended, because the
3 bill defines a new crime or amends the definition of an
4 existing crime.

5 Section 5. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB101

Senate 03-MAY-12

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Amended and passed 10-MAY-12

Senate concurred in House amendment 10-MAY-12

By: Senator Allen