

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

1 SB101

2
3
4 ENGROSSED

5
6
7 A BILL
8 TO BE ENTITLED
9 AN ACT

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

1 construed to repeal other criminal laws; to provide that if a
2 person visiting an inmate is found to be in possession of any
3 cellular telephone, wireless communication device, or computer
4 that allows the input, output, examination, or transfer of
5 computer programs from one computer to another person when
6 searched or subjected to a metal detector, that cellular
7 telephone or wireless communication device shall be subject to
8 confiscation; to require posted notices regarding the search
9 and confiscation provisions; to allow the Alabama Department
10 of Corrections to enter into an agreement or contract to
11 detect unauthorized inmate communications by cellular
12 telephone or other wireless communication devices; and in
13 connection therewith would have as its purpose or effect the
14 requirement of a new or increased expenditure of local funds
15 within the meaning of Amendment 621 of the Constitution of
16 Alabama of 1901, now appearing as Section 111.05 of the
17 Official Recompilation of the Constitution of Alabama of 1901,
18 as amended.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. (a) Except as otherwise authorized by
21 law, or when authorized by the person in charge of the prison
22 or other institution subject to this section, or by an officer
23 of the institution empowered to give that authorization, it
24 shall be unlawful for an inmate to possess a cellular
25 telephone, wireless communication device, or computer that
26 allows the input, output, examination, or transfer of computer

1 programs from one computer to another person or for any person
2 to possess with the intent to deliver, or delivers, to an
3 inmate in the custody of the Alabama Department of Corrections
4 a cellular telephone, wireless communication device, or a
5 computer that allows the input, output, examination, or
6 transfer of computer programs from one computer to another
7 person.

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

16 (c) A violation of subsections (a) or (b) shall be a
17 Class A misdemeanor.

18 (d) Except as otherwise authorized by law, or when
19 authorized by the person in charge of the prison or other
20 institution subject to this section, or by an officer of the
21 institution empowered to give that authorization, it shall be
22 unlawful for an employee of the Department of Corrections or
23 other institution subject to this section to deliver to an
24 inmate in the custody of the Department of Corrections a
25 cellular telephone, wireless communication device, or computer

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

3 (e) A violation of subsection (d) shall be a Class C
4 felony.

5 (f) This section may not be construed to repeal
6 other criminal laws. Whenever conduct proscribed by this
7 section is also proscribed by any other provision of law, the
8 provision which carries the more serious penalty shall be
9 applied.

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

18 (b) Notice of this provision shall be posted in each
19 area where visitors are searched prior to visitation with an
20 inmate in the custody of the Alabama Department of
21 Corrections.

22 Section 3. The Alabama Department of Corrections may
23 enter into an agreement or contract to detect unauthorized
24 inmate communications by cellular telephone or other wireless
25 communication device.

1 Section 4. Although this bill would have as its
2 purpose or effect the requirement of a new or increased
3 expenditure of local funds, the bill is excluded from further
4 requirements and application under Amendment 621, now
5 appearing as Section 111.05 of the Official Recompilation of
6 the Constitution of Alabama of 1901, as amended, because the
7 bill defines a new crime or amends the definition of an
8 existing crime.

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

1
2
3 Senate

4 Read for the first time and referred to the Senate
5 committee on Judiciary..... 07-FEB-12
6
7 Read for the second time and placed on the calen-
8 dar..... 22-MAR-12
9
10 Read for the third time and passed as amended 03-MAY-12

11 Yeas 32
12 Nays 0

13
14
15 Patrick Harris
16 Secretary
17