

118TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To amend the Communications Act of 1934 to provide for additional prohibitions and enhanced penalties for providing or possessing wireless communications devices in detention facilities, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mrs. HYDE-SMITH introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Communications Act of 1934 to provide for additional prohibitions and enhanced penalties for providing or possessing wireless communications devices in detention facilities, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Eliminate Non-ap-  
5 proved Devices and Contraband Electronics Limiting  
6 Links to Society Act” or the “END CELLS Act”.

1 **SEC. 2. AMENDMENT TO COMMUNICATIONS ACT OF 1934.**

2 Title V of the Communications Act of 1934 (47  
3 U.S.C. 501 et seq.) is amended by adding at the end the  
4 following:

5 **“SEC. 512. PROVIDING OR POSSESSING WIRELESS COMMU-**  
6 **UNICATIONS DEVICES IN DETENTION FACILI-**  
7 **TIES.**

8 “(a) PROHIBITED ACTS.—It shall be unlawful for any  
9 person—

10 “(1) in violation of any Federal or State statute  
11 or rule, or order issued under such statute or rule,  
12 to provide or attempt to provide to a person held in  
13 a detention facility a wireless communications de-  
14 vice;

15 “(2) to willfully and knowingly facilitate the in-  
16 troduction, in violation of any Federal or State stat-  
17 ute or rule, or order issued under such statute or  
18 rule, of a wireless communications device into a de-  
19 tention facility; or

20 “(3) being a person held in a detention facility,  
21 to possess or obtain, or attempt to obtain, a wireless  
22 communications device in violation of a Federal or  
23 State statute or rule, or order issued under such  
24 statute or rule.

25 “(b) PENALTIES.—

26 “(1) CIVIL FORFEITURE.—

1           “(A) AMOUNT.—Notwithstanding para-  
2 graph (2) of section 503(b), the amount of any  
3 forfeiture penalty determined or imposed under  
4 such section for a violation of subsection (a)  
5 shall not exceed \$50,000 for each violation or  
6 each day of a continuing violation, except that  
7 the amount assessed for any continuing viola-  
8 tion shall not exceed a total of \$1,000,000 for  
9 any single act or failure to act.

10           “(B) NO CITATION REQUIRED.—Para-  
11 graph (5) of section 503(b) shall not apply in  
12 the case of a violation of subsection (a).

13           “(C) 2-YEAR STATUTE OF LIMITATIONS.—  
14 Notwithstanding paragraph (6) of section  
15 503(b), no forfeiture penalty for violation of  
16 subsection (a) shall be determined or imposed  
17 against any person if the violation charged oc-  
18 curred more than 2 years prior to the date of  
19 issuance of the notice required by paragraph  
20 (3) of section 503(b) or the notice of apparent  
21 liability required by paragraph (4) of section  
22 503(b) (as the case may be).

23           “(2) CRIMINAL FINE.—Any person who willfully  
24 and knowingly violates subsection (a) shall upon  
25 conviction thereof be fined not more than \$50,000

1 for each violation, in lieu of the fine provided by sec-  
2 tion 501 for such a violation. Nothing in this section  
3 shall be construed to supersede the provisions of sec-  
4 tion 501 relating to imprisonment or the imposition  
5 of a penalty of both fine and imprisonment.

6 “(c) EFFECT ON OTHER LAWS.—Nothing in this sec-  
7 tion shall be construed to—

8 “(1) prohibit any lawfully authorized investiga-  
9 tive, protective, or intelligence activity of a law en-  
10 forcement agency of the United States, a State, or  
11 a political subdivision of a State, or of an intel-  
12 ligence agency of the United States; or

13 “(2) prevent the chief legal officer, or any other  
14 officer, of a State from exercising the powers con-  
15 ferred on such officer by the laws of such State to  
16 enforce State law, including punishing those found  
17 guilty of violating State law.

18 “(d) DEFINITIONS.—In this section:

19 “(1) DETENTION FACILITY.—The term ‘deten-  
20 tion facility’ means a correctional, detention, or  
21 penal facility located within the United States.

22 “(2) WIRELESS COMMUNICATIONS DEVICE.—  
23 The term ‘wireless communications device’ means—

24 “(A) a device that enables the user to send  
25 or receive a radio communication, regardless of

1           whether a license from the Commission is re-  
2           quired for the use or operation of such device;  
3           or

4                   “(B) a component that provides identifica-  
5           tion or authentication to enable a device de-  
6           scribed in subparagraph (A) to connect to a  
7           communications network.”.

8   **SEC. 3. EFFECTIVE DATE.**

9           The amendment made by this Act shall apply with  
10          respect to conduct that occurs after the date of the enact-  
11          ment of this Act.