

106TH CONGRESS
1ST SESSION

H. R. 1930

To amend the Communications Act of 1934 to require the operator of a World Wide Web site that offers to provide communication with any prisoner to disclose on the site the crime for which the prisoner is incarcerated and the release date for the prisoner.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 1999

Mr. LOBIONDO introduced the following bill; which was referred to the
Committee on Commerce

A BILL

To amend the Communications Act of 1934 to require the operator of a World Wide Web site that offers to provide communication with any prisoner to disclose on the site the crime for which the prisoner is incarcerated and the release date for the prisoner.

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 “Prisoner Web Site Dis-
5 closure Act of 1999”.

1 **SEC. 2. REQUIRED WEB SITE DISCLOSURES.**

2 Part I of title II of the Communications Act of 1934
3 (47 U.S.C. 201 et seq.) is amended by adding at the end
4 the following new section:

5 **“SEC. 232. REQUIRED INCLUSION ON WORLD WIDE WEB**
6 **SITES OFFERING COMMUNICATIONS WITH**
7 **PRISONERS.**

8 “(a) IN GENERAL.—It shall be unlawful for any per-
9 son to make an offer, by means of the World Wide Web,
10 to provide any communication with any incarcerated indi-
11 vidual unless such offer also contains notice, in a clear
12 and conspicuous manner, of—

13 “(1) the crime or crimes for which such indi-
14 vidual is incarcerated; and

15 “(2) the earliest date on which such individual
16 may be released from incarceration under the terms
17 of the individual’s sentence.

18 “(b) INAPPLICABILITY TO CARRIERS AND OTHER
19 SERVICE PROVIDERS.—For purposes of subsection (a), a
20 person shall not be considered to make any offer to the
21 extent that such person is—

22 “(1) a telecommunications carrier engaged in
23 the provision of a telecommunications service;

24 “(2) a person engaged in the business of pro-
25 viding an Internet access service;

1 “(3) a person engaged in the business of pro-
2 viding an Internet information location tool; or

3 “(4) a person similarly engaged in the trans-
4 mission, storage, retrieval, hosting, formatting, or
5 translation (or any combination thereof) of a com-
6 munication made by another person, without selec-
7 tion or alteration of the content of the communica-
8 tion, except that such person’s deletion of a par-
9 ticular communication or material made by another
10 person in a manner consistent with subsection (c) or
11 section 230 shall not constitute such selection or al-
12 teration of the content of the communication.

13 “(c) CIVIL PENALTY.—Whoever is determined by the
14 Commission, on the record after opportunity for a hearing,
15 to have violated subsection (a) shall be subject to a civil
16 penalty of not more than \$1,000 for each violation. For
17 purposes of this subsection, each incarcerated individual
18 for whom an offer referred to in subsection (a) is made
19 shall constitute a separate violation.

20 “(d) DEFINITIONS.—For purposes of this section, the
21 following definitions shall apply:

22 “(1) BY MEANS OF THE WORLD WIDE WEB,
23 INTERNET, INTERNET ACCESS SERVICE, INTERNET
24 INFORMATION LOCATION TOOL.—The terms ‘by
25 means of the World Wide Web’, ‘Internet’, ‘Internet

1 access service’, and ‘Internet information location
2 tool’ have the meanings given such terms in section
3 231(e).

4 “(2) INCARCERATED INDIVIDUAL.—The term
5 ‘incarcerated individual’ means any individual who,
6 pursuant to a criminal conviction under State or
7 Federal law, is incarcerated in any State or Federal
8 prison, jail, workhouse, or other penal or correc-
9 tional institution.

10 “(e) APPLICABILITY.—The prohibition under sub-
11 section (a) shall apply to offers made on and after Janu-
12 ary 1, 2000.”.

13 **SEC. 3. PUBLIC INFORMATION.**

14 As soon as practicable after the enactment of this
15 Act, the Federal Communications Commission shall make
16 widely available information that is designed to inform the
17 public regarding the prohibition under section 232 of the
18 Communications Act of 1934 (as added by section 2 of
19 this Act), and what actions constitute violations of the
20 prohibition, by making such information available—

- 21 (1) on the World Wide Web site of the Commis-
22 sion; and
- 23 (2) in such other manners as the Commission
24 considers appropriate.

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