

115TH CONGRESS
1ST SESSION

H. R. 956

To regulate monitoring of electronic communications between a prisoner in a Bureau of Prisons facility and that prisoner's attorney or other legal representative, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2017

Mr. JEFFRIES (for himself and Mr. COLLINS of Georgia) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To regulate monitoring of electronic communications between a prisoner in a Bureau of Prisons facility and that prisoner's attorney or other legal representative, 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 “Effective Assistance
5 of Counsel in the Digital Era Act”.

1 **SEC. 2. MONITORING OF ELECTRONIC COMMUNICATIONS**
2 **BETWEEN PRISONER AND ATTORNEY.**

3 (a) PROHIBITION ON MONITORING.—Not later than
4 180 days after the date of the enactment of this Act, the
5 Attorney General shall modify any program or system
6 through which a prisoner (as such term is defined in sec-
7 tion 107) sends or receives an electronic communication
8 (as such term is defined in section 2510 of title 18, United
9 States Code, and including the Trust Fund Limited In-
10 mate Computer System) to exclude from monitoring the
11 contents (as such term is defined in section 2510 of title
12 18, United States Code) of an electronic communication
13 between a prisoner in a Bureau of Prisons facility and
14 his or her attorney or other legal representative.

15 (b) RETENTION OF CONTENTS.—The modification
16 required under subsection (a) may allow for the retention
17 of the contents of the electronic communications described
18 in subsection (a).

19 (c) EXCEPTION.—If a court of competent jurisdiction
20 determines that there is sufficient evidence to support a
21 reasonable belief of the Government that the information
22 contained in an electronic communication described in
23 subsection (a) was for the purpose of perpetrating a fraud
24 or crime, an in camera review of the contents of the com-
25 munication may be conducted.