

IN HOUSE MEMO

TO: The Executive Secretary

FROM: The Project Director *DDK*

SUBJECT: SENATE BILL S2343

DATE: October 2, 1975

The proposed bill has as a general objective to increase some of the penalties for violations of FCC regulations, and to give the FCC authority to assess penalties without recourse to the courts. It's my opinion that this act as now written will have:

- a. little impact on the Public-Safety Community because we are generally very law abiding,) and
- b. little chance of passage

This act has other significant implications for APCO. As stated in this goals speech, enforcement of the existing FCC regulations is very much to the benefit of APCO, its members and all the various responsible users of the spectrum. The reasons are self-evident, and I will not belabor them here.

Simply increasing the penalty can be expected to have little influence on the miscreants who now flaunt the laws. The reason being that the probability of apprehension and punishment, however stringent, is practically non-existent.

It is common knowledge that the Citizen Band Community now demonstrates a flagrant disregard for the laws, the like of which has not been seen since prohibition. There are 1½ million licensees and yet it is well known that there are approximately 6 million operating stations. The procedures, usage, and operator conduct on these channels clearly demonstrates the ineptitude of the present enforcement procedures. The current penalties for violations of the act are more than adequate, if enforced. The scope of the problem of the Citizens Band Group alone illustrates the size of the solutions required.

The danger of a bill such as S2343 is that it might lull the Congress into thinking it has taken effective action. APCO's position should be to urge a bill that provides increased enforcement capability; that is, many more inspectors, monitoring vans and prosecution specialists.

A recommended amendment to this bill should also be to give state and local authorities a role in the detection and prosecution procedures for violators of FCC rules and regulations.

DDK/mr