



Bureau of Prisons Proposed Changes to the Prohibited Act Code

April 2, 2024

The Bureau of Prisons (BOP) released proposed rule changes on February 1, 2024, which were open to public comment until April 1, 2024. Below is a summary of the proposed changes to the Prohibited Act Code, which provides rules for the conduct of incarcerated people. The changes clarify language, increase the severity of some penalties, add new offenses, and protect some actions from punishment.

Proposed Code Change	Description of Change
Clarification of Code 101	Clarifies language regarding assault and battery of any person with no change to substance or application of the code.
Expansion of Code 102	Combines the punishment for those who escape and voluntarily return and those who escape and do not voluntarily return.
Clarification of Code 103	Clarifies language regarding starting fires with no change to substance or application of the code.
Clarification of Code 104	Clarifies language to prohibit possession, manufacture, or introduction of any item that has been weaponized.
Combining Codes 105 and 106	Combines the punishments for rioting and encouraging others to riot.
Expansion of Code 108	Adds the word “use” to prohibition on “possession, manufacture, introduction or loss” of hazardous tools. Also adds “items necessary in the use of these devices” in the list of hazardous tool examples.
Separation of Codes 110, 111, 112, 113	Creates two separate groups of prohibitions relating to drugs, and the other to alcohol and intoxicants.

Combination of Codes 114, 205, 206, 229, 300	Increases the severity of punishment for non-consensual sexually explicit conduct.
Addition of Code 194	Prohibits using social media accounts such as Facebook and fund transfer services like CashApp.
Addition of Code 195	Prohibits the use of video visits to commit or aid in the commission of a criminal act.
Expansion of Code 196	Expands to include misuse of any form of electronic mail and messaging to commit a criminal act.
Clarification of Code 201	Clarifies the term “fighting” with no changes made in the substance or application of the code.
Addition of Code 202	Prohibits possession of any forms that may be used in the fraudulent filing of Uniform Commercial Code (UCC) liens. ¹
Clarification of Code 203	Clarifies the definition of a “threat” without changes to the substance or application of the code.
Clarification of Code 204	Clarifies the prohibited acts of extortion and blackmail without changes to the substance and application of the rule.
Addition of Code 210	Prohibits the possession of sexually explicit material.
Combination of Codes 212, 213, and 336	Increases the penalty for circulating a petition.
Clarification of Code 216	Clarifies the definition of a “bribe” without changes to the substance or application of the code.
Clarification of Code 218	Clarifies language regarding prohibited destruction of property without changes to the substance or application of the code.
Modification of Code 219	Modifies language regarding theft to include the theft of data obtained through unauthorized use or access to any media or equipment on which data is stored.
Modification of Code 221	Clarifies that being in an unauthorized area with a person of the opposite sex without staff permission is a punishable offense.
Modification of Code 224	Changes code to include assault that does not involve serious physical injury.
Modification of Code 228	Changes the rule regarding tattooing or self-mutilation to not apply to acts of self-directed violence.

¹ Under the UCC, a creditor files a financing statement with the required state office. This financing statement creates a lien alleging that another person is financially indebted to the creditor. To remove the lien, the creditor must file a formal amendment.

Addition of Code 230	Increases the punishment for possession or use of tobacco or related paraphernalia.
Modification of Code 231	Amends the language regarding coercion of another to share court documents and other documents that contain sensitive information.
Addition of Code 232	Prohibits bringing unauthorized items into a correctional facility, including items such as cosmetic products or cleaning supplies.
Addition of Code 235	Increases the punishment for communicating gang affiliation, participating in gang-related activities, or possession of paraphernalia indicating gang affiliation.
Addition of Code 294	Prohibits accessing, using, or maintaining social media, or directing others to establish or maintain social media accounts on their behalf.
Addition of Code 295	Prohibits the use of video visits for unauthorized conduct but not criminal activity.
Expansion of Code 296	Expands to include misuse of any form of electronic mail and messaging other than for a criminal act that circumvents mail monitoring.
Clarification of Code 313	Clarifies that lying to a staff member includes feigning illness.
Combination of Codes 324, 325, 326	Combines prohibition on gambling, possession of gambling paraphernalia, and preparing or conducting a gambling pool.
Clarification of Code 331	Removes references to prohibit items related to smoking as included in Code 230.
Addition of Code 337	Increases the penalty for using abusive or obscene language.
Addition of Code 338	Increases the penalty for inappropriate conduct in the visiting room.
Addition of electronic mail to Code 396	Includes “electronic mail” to prohibition on misuse of mail other than for criminal activity that do no circumvent mail monitoring.