

October 7, 1969

OPINION LETTER NO. 445  
Answered by - Mansur

Honorable Earl Schlef  
State Representative  
28th District  
1672 Maldon Lane  
Dealwood, Missouri 63136

Dear Representative Schlef:

This is to acknowledge receipt of your letter of recent date in which you state the members of the Highway Emergency Locating Plan have been authorized to operate the Citizens Band Radio Channel 9 for emergency purposes only and you inquire whether persons who interfere with its use by using profane language over the air, failing to yield to an emergency call, and cutting in on important messages may be prosecuted and which law enforcement agency should be contacted.

The state of Missouri does not have any statute regarding this matter.

18 U.S.C.A. §1464 provides:

"Whoever utters any obscene, indecent, or profane language by means of radio communication shall be fined not more than \$10,000 or imprisoned not more than two years, or both."

In *Gagliardo v. United States*, U.S. Ct. App. Ninth Circuit 366 F.2d 720, an operator of a Citizens Band Radio was convicted in a federal court of using obscene, indecent and profane language under the above statute.

It is the opinion of this department that any complaint involving the use of profane language or of interference with the use of a radio station should be made to the Federal Communications Commission.

Yours very truly,

JOHN C. DANFORTH  
Attorney General