

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2354

To limit judicial interference in the management of the Nation's prisons and jails and permit incarceration of greater numbers of dangerous offenders, without restricting the legitimate constitutional rights of inmates.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 1993

Mr. CANADY (for himself and Mr. McCOLLUM) introduced the following bill;  
which was referred to the Committee on the Judiciary

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## A BILL

To limit judicial interference in the management of the Nation's prisons and jails and permit incarceration of greater numbers of dangerous offenders, without restricting the legitimate constitutional rights of inmates.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That this Act may be cited as the "Prison Litigation  
4       Relief Act of 1993".

1 **SEC. 2. ACTIONS CHALLENGING CONDITIONS OF CONFINEMENT.**  
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3 (a) IN GENERAL.—Title 28, United States Code is  
4 amended by inserting after chapter 176 the following new  
5 chapter:

6 **“CHAPTER 177—ACTIONS CHALLENGING**  
7 **CONDITIONS OF CONFINEMENT**

“Sec.

“3401. Limitations on remedies.

“3402. Consent decrees.

“3403. Modification of orders or decrees.

8 **“§ 3401. Limitations on remedies**

9 “(a)(1) If the district court, in any action challenging  
10 the constitutionality of conditions of confinement in any  
11 prison, jail, detention facility, or other correctional institu-  
12 tion housing persons accused or convicted of a crime or  
13 juveniles adjudicated delinquent, finds that one or more  
14 conditions of confinement are in violation of the United  
15 States Constitution, the court shall narrowly tailor any re-  
16 lief to fit the nature and extent of the violations and shall  
17 make the order no more intrusive than absolutely nec-  
18 essary to ensure that the violations are remedied. The  
19 court shall have no jurisdiction—

20 “(A) to impose a ceiling on the population of  
21 any institution or to require any adjustment of the  
22 release dates of inmates; or

1           “(B) to prohibit the use of tents or prefab-  
2           ricated structures for housing inmates.

3   **“§ 3402. Consent decrees**

4           “(a) No consent decree in any action challenging the  
5   constitutionality of conditions of confinement in any pris-  
6   on, jail, detention facility, or other correctional institution  
7   housing persons accused or convicted of a crime or juve-  
8   niles adjudicated delinquent shall provide relief greater  
9   than the minimum required to bring the conditions of con-  
10   finement into substantial compliance with the United  
11   States Constitution.

12          “(b) In entering a consent decree, the court shall  
13   make a written finding that the relief provided in the de-  
14   cree is no greater than the minimum required to bring  
15   the conditions of confinement into substantial compliance  
16   with the United States Constitution. If it appears to the  
17   court that the relief provided in the decree is greater than  
18   the minimum required, the court may recommend changes  
19   in the decree.

20   **“§ 3403. Modification of orders or decrees**

21          “(a)(1) Upon motion of a defendant at any time, the  
22   court may conduct a hearing on whether an order or de-  
23   cree described in section 3401 or 3402 of this title should  
24   be modified in light of—

1           “(A) changed factual circumstances affecting  
2           the operation of the order or decree, whether or not  
3           foreseeable;

4           “(B) a change or clarification of the governing  
5           law, whether or not foreseeable;

6           “(C) a succession in office of an official respon-  
7           sible for having consented to a decree;

8           “(D) the government’s financial constraints or  
9           any other matter affecting public safety or the pub-  
10          lic interest; or

11          “(E) any ground provided in Rule 60(b) of the  
12          Federal Rules of Civil Procedure.

13          “(2) The court shall conduct such a hearing if the  
14          motion was filed more than one year after the date of the  
15          order or decree or the date on which the last previous  
16          modification hearing was conducted, whichever is later.

17          “(b) If the court denies a motion to modify an order  
18          or consent decree under subsection (a) of this section, the  
19          court shall make a written finding that the relief provided  
20          in the order or decree, as of the date of decision, is no  
21          greater than the minimum required to bring the conditions  
22          of confinement into substantial compliance with the  
23          United States Constitution.”.

24          (b) CLERICAL AMENDMENT.—The table of chapters  
25          at the beginning of part VI of title 28, United States Code,

- 1 is amended by inserting after the item relating to chapter
- 2 176 the following:

**“177. Actions Challenging Conditions of Confinement ..... 3401”.**

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