

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3895

To provide appropriate remedies for prison overcrowding.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1994

Mr. CANADY (for himself, Mr. PETE GEREN of Texas, Mr. ZIMMER, Mrs. THURMAN, Mr. DIAZ-BALART, Mr. CONDIT, Mr. COLLINS of Georgia, Mr. HOEKSTRA, Mr. POMBO, Mr. INGLIS of South Carolina, Mr. HUTTO, Mr. MILLER of Florida, Mr. DOOLITTLE, Mr. CRAPO, Mr. KASICH, Mrs. FOWLER, Mr. BILIRAKIS, Mr. DELAY, Mr. GOSS, Mr. TALENT, Mr. BAKER of California, Mr. CALLAHAN, Mr. LEWIS of Florida, Mr. YOUNG of Florida, Mr. DORNAN, Mr. MOORHEAD, Mr. STUMP, Mr. BOEHNER, Mr. COBLE, Mr. MCKEON, and Mr. STEARNS) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To provide appropriate remedies for prison overcrowding.

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 “Prison Management  
5       Relief Act of 1994”.

1 **SEC. 2. APPROPRIATE REMEDIES FOR PRISON OVER-**  
2 **CROWDING.**

3 (a) AMENDMENT OF TITLE 18, UNITED STATES  
4 CODE.—Subchapter C of chapter 229 of part 2 of title  
5 18, United States Code, is amended by adding at the end  
6 the following:

7 **“§ 3626. Appropriate remedies with respect to prison**  
8 **crowding**

9 “(a) REQUIREMENT OF SHOWING WITH RESPECT TO  
10 THE PLAINTIFF IN PARTICULAR.—

11 “(1) HOLDING.—A Federal court shall not hold  
12 prison or jail crowding unconstitutional under the  
13 eighth amendment except to the extent that an indi-  
14 vidual plaintiff inmate proves that the crowding  
15 causes the infliction of cruel and unusual punish-  
16 ment of that inmate.

17 “(2) RELIEF.—The relief in a case described in  
18 paragraph (1) shall extend no further than nec-  
19 essary to remove the conditions that are causing the  
20 cruel and unusual punishment of the plaintiff in-  
21 mate.

22 “(b) INMATE POPULATION CEILINGS.—

23 “(1) REQUIREMENT OF SHOWING WITH RE-  
24 SPECT TO PARTICULAR PRISONERS.—A Federal  
25 court shall not place a ceiling on the inmate popu-  
26 lation of any Federal, State, or local detention facil-

1       ity as an equitable remedial measure for conditions  
2       that violate the eighth amendment unless crowding  
3       is inflicting cruel and unusual punishment on par-  
4       ticular identified prisoners.

5           “(2) RULE OF CONSTRUCTION.—Paragraph (1)  
6       of this subsection shall not be construed to have any  
7       effect on Federal judicial power to issue equitable  
8       relief other than that described in paragraph (1) of  
9       this subsection, including the requirement of im-  
10      proved medical or health care and the imposition of  
11      civil contempt fines or damages, where such relief is  
12      appropriate.

13          “(c) PERIODIC REOPENING.—Each Federal court  
14      order or consent decree seeking to remedy an eighth  
15      amendment violation shall be reopened at the behest of  
16      a defendant for recommended modification at a minimum  
17      of 2-year intervals.”.

18          (b) APPLICATION OF AMENDMENT.—Section 3626 of  
19      title 18, United States Code, as added by paragraph (1),  
20      shall apply to all outstanding court orders on the date of  
21      enactment of this Act. Any State or municipality shall be  
22      entitled to seek modification of any outstanding eighth  
23      amendment decree pursuant to that section.

24          (c) CLERICAL AMENDMENT.—The table of sections  
25      at the beginning of subchapter C of chapter 229 of title

1 18, United States Code, is amended by adding at the end  
2 the following new item:

“3626. Appropriate remedies with respect to prison crowding.”.

3 (d) SUNSET PROVISION.—This section and the  
4 amendments made by this section are repealed effective  
5 as of the date that is 5 years after the date of enactment  
6 of this Act.

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