

104TH CONGRESS
1ST SESSION

H. R. 2488

To amend title 18, United States Code, to provide appropriate remedies with respect to prison conditions.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 17, 1995

Mr. SCHIFF introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide appropriate remedies with respect to prison conditions.

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 Judgment Re-
5 lief Act of 1995”.

6 **SEC. 2. APPROPRIATE REMEDIES FOR PRISON CONDI-**
7 **TIONS.**

8 (a) IN GENERAL.—Section 3626 of title 18, United
9 States Code, is amended to read as follows:

1 **“§ 3626. Appropriate remedies with respect to prison**
2 **conditions**

3 “(a) REQUIREMENTS FOR RELIEF.—

4 “(1) LIMITATIONS ON PROSPECTIVE RELIEF.—

5 The court shall not grant or approve any prospective
6 relief unless the court finds that there is a violation
7 of a Federal right and that such relief is narrowly
8 drawn and the least intrusive means to remedy the
9 violation of the Federal right. In determining the in-
10 trusiveness of the relief, the court shall give substan-
11 tial weight to any adverse impact on public safety or
12 the operation of a criminal justice system caused by
13 the relief.

14 “(2) PRISON POPULATION REDUCTION RE-
15 LIEF.—In any civil action with respect to prison con-
16 ditions, the court shall not grant or approve any re-
17 lief whose purpose or effect is to reduce or limit the
18 prison population, unless the plaintiff proves that
19 crowding is the primary cause of the deprivation of
20 the Federal right and no other relief will remedy
21 that deprivation.

22 “(b) TERMINATION OF RELIEF.—

23 “(1) AUTOMATIC TERMINATION OF PROSPEC-
24 TIVE RELIEF AFTER 4-YEAR PERIOD.—In any civil
25 action with respect to prison conditions, any pro-

1 spective relief shall automatically terminate 4 years
2 after the later of—

3 “(A) the date of entry of the final judg-
4 ment in which the court found the violation of
5 a Federal right that was the basis for the relief;
6 or

7 “(B) in the case of a final judgment en-
8 tered more than 4 years before the date of the
9 enactment of the Prison Judgment Relief Act of
10 1995, 180 days after the date of the enactment
11 of such Act.

12 “(2) IMMEDIATE TERMINATION OF PROSPEC-
13 TIVE RELIEF.—In any civil action with respect to
14 prison conditions, a defendant or intervenor shall be
15 entitled to the immediate termination of any pro-
16 spective relief, if that relief was approved or granted
17 in the absence of a finding by the court that prison
18 conditions violated a Federal right.

19 “(c) PROCEDURE FOR MOTIONS AFFECTING PRO-
20 SPECTIVE RELIEF.—The court shall promptly rule on any
21 motion to modify or terminate prospective relief in a civil
22 action with respect to prison conditions.

23 “(d) STANDING.—Any Federal, State, or local official
24 or unit of government—

1 “(1) whose jurisdiction or function includes the
2 prosecution or custody of persons in a prison subject
3 to; or

4 “(2) who otherwise is or may be affected by;
5 any relief whose purpose or effect is to reduce or limit
6 the prison population shall have standing to oppose the
7 imposition or continuation in effect of that relief and may
8 intervene in any proceeding relating to that relief. Stand-
9 ing shall be liberally conferred under this subsection so
10 as to effectuate the remedial purposes of this section.

11 “(e) SPECIAL MASTERS.—In any civil action in a
12 Federal court with respect to prison conditions, any spe-
13 cial master or monitor shall be a United States magistrate
14 and shall make proposed findings on the record on com-
15 plicated factual issues submitted to that special master or
16 monitor by the court, but shall have no other function.
17 The parties may not by consent extend the function of
18 a special master beyond that permitted under this sub-
19 section.

20 “(f) ATTORNEY’S FEES.—No attorney’s fee under
21 section 722 of the Revised Statutes of the United States
22 (42 U.S.C. 1988) may be granted to a plaintiff in a civil
23 action with respect to prison conditions except to the ex-
24 tent such fee is—

1 “(1) directly and reasonably incurred in proving
2 an actual violation of the plaintiff’s Federal rights;
3 and

4 “(2) proportionally related to the extent the
5 plaintiff obtains court ordered relief for that viola-
6 tion.”.

7 “(g) DEFINITIONS.—As used in this section—

8 “(1) the term ‘prison’ means any Federal,
9 State, or local facility that incarcerates or detains
10 juveniles or adults accused of, convicted of, sen-
11 tenced for, or adjudicated delinquent for, violations
12 of criminal law;

13 “(2) the term ‘relief’ means all relief in any
14 form which may be granted or approved by the
15 court, and includes consent decrees and settlement
16 agreements (except a settlement agreement the
17 breach of which is not subject to any court proceed-
18 ing which such agreement settled); and

19 “(3) the term ‘prospective relief’ means all re-
20 lief other than compensatory monetary damages.”

21 (b) APPLICATION OF AMENDMENT.—Section 3626 of
22 title 18, United States Code, as amended by this section,
23 shall apply with respect to all relief (as defined in such
24 section) whether such relief was originally granted or ap-

1 proved before, on, or after the date of the enactment of
2 this Act.

3 (c) CLERICAL AMENDMENT.—The item relating to
4 section 3526 in the table of sections at the beginning of
5 subchapter C of chapter 229 of title 18, United States
6 Code, is amended by striking “crowding” and inserting
7 “conditions”.

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