

106TH CONGRESS
1ST SESSION

H. R. 12

To limit the jurisdiction of the Federal courts with respect to prison release orders.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

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

A BILL

To limit the jurisdiction of the Federal courts with respect to prison release orders.

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. LIMITATION ON PRISONER RELEASE ORDERS.**

4 (a) IN GENERAL.—Chapter 99 of title 28, United
5 States Code, is amended by adding at the end the follow-
6 ing new section:

7 **“§ 1632. Limitation on prisoner release orders**

8 “(a) LIMITATION.—Notwithstanding section
9 3626(a)(3) of title 18 or any other provision of law, in
10 a civil action with respect to prison conditions, no court

1 of the United States or other court listed in section 610
2 shall have jurisdiction to enter or carry out any prisoner
3 release order that would result in the release from or non-
4 admission to a prison, on the basis of prison conditions,
5 of any person subject to incarceration, detention, or ad-
6 mission to a facility because of a conviction of a felony
7 under the laws of the relevant jurisdiction, or a violation
8 of the terms or conditions of parole, probation, pretrial
9 release, or a diversionary program, relating to the commis-
10 sion of a felony under the laws of the relevant jurisdiction.

11 “(b) DEFINITIONS.—As used in this section—

12 “(1) the terms ‘civil action with respect to pris-
13 on conditions’, ‘prisoner’, ‘prisoner release order’,
14 and ‘prison’ have the meanings given those terms in
15 section 3626(g) of title 18; and

16 “(2) the term ‘prison conditions’ means condi-
17 tions of confinement or the effects of actions by gov-
18 ernment officials on the lives of persons confined in
19 prison.”.

20 (b) CONFORMING AMENDMENT.—The table of sec-
21 tions for chapter 99 of title 28, United States Code, is
22 amended by adding at the end the following new item:

“1632. Limitation on prisoner release orders.”.

23 (c) CONSENT DECREES.—

24 (1) TERMINATION OF EXISTING CONSENT DE-
25 CREES.—Any consent decree that was entered into

1 before the date of the enactment of the Prison Liti-
2 gation Reform Act of 1995, that is in effect on the
3 day before the date of the enactment of this Act,
4 and that provides for remedies relating to prison
5 conditions shall cease to be effective on the date of
6 the enactment of this Act.

7 (2) DEFINITIONS.—As used in this
8 subsection—

9 (A) the term “consent decree” has the
10 meaning given that term in section 3626(g) of
11 title 18, United States Code; and

12 (B) the term “prison conditions” has the
13 meaning given that term in section 1632(e) of
14 title 28, United States Code, as added by sub-
15 section (a) of this section.

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