

103^D CONGRESS
2^D SESSION

H. R. 3895

To provide appropriate remedies for prison overcrowding.

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

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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