

104TH CONGRESS
2D SESSION

H. R. 3206

To amend title 18, United States Code, with respect to Federal prisoners,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 1996

Mr. CHRISTENSEN (for himself, Mr. HAYES, Mr. NEUMANN, Mrs. MYRICK,
and Mr. FOX of Pennsylvania) introduced the following bill; which was
referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, with respect to
Federal prisoners, and for other purposes.

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 “Criminal Correction
5 and Victim Assistance Act of 1996”.

6 **SEC. 2. REPEAL OF SECTIONS PROHIBITING PRISON**
7 **LABOR.**

8 Title 18, United States Code, is amended—

9 (1) by striking sections 436;

1 (2) in the table of sections at the beginning of
2 chapter 23, by striking the item relating to section
3 436;

4 (3) by striking chapter 85; and

5 (4) in the table of chapters at the beginning of
6 part I of title 18, United States Code, is amended
7 by striking the item relating to chapter 85.

8 **SEC. 3. PRISON SECURITY.**

9 (a) IN GENERAL.—Chapter 303 of title 18, United
10 States Code, is amended by adding at the end the follow-
11 ing:

12 **“§ 4048. Strength-training of prisoners prohibited**

13 “The Bureau of Prisons shall ensure that—

14 “(1) prisoners under its jurisdiction do not en-
15 gage in any physical activities designed to increase
16 their physical strength or their fighting ability; and

17 “(2) all equipment designed for increasing the
18 physical strength or fighting ability of prisoners
19 promptly be removed from Federal correctional fa-
20 cilities and not be introduced into such facilities
21 thereafter except as needed for a medically required
22 program of physical rehabilitation approved by the
23 Director of the Bureau of Prisons.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of chapter 303 of title 18, United States

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

“4048. Strength-training of prisoners prohibited.”.

3 **SEC. 4. REQUIREMENTS FOR PRISONERS.**

4 (a) IN GENERAL.—Chapter 301 of title 18, United
5 States Code, is amended by adding at the end the follow-
6 ing:

7 **“§ 4014. Requirement for prisoners**

8 “(a) The Attorney General shall establish by rule—

9 “(1) the requirement that Federal prisoners
10 that are able to do so engage in work and that such
11 prisoners work at least 48 hours each week;

12 “(2) the requirement that Federal prisoners en-
13 gage in educational study for at least 12 hours each
14 week;

15 “(3) that no television viewing will be provided
16 to Federal prisoners, except educational programs;
17 and

18 “(4) that a 25 percent assessment be levied on
19 all wages earned by Federal prisoners, with 5 per-
20 cent returned to the prosecuting agency to help re-
21 imburse the cost of the prosecution, 10 percent set
22 aside for victim restitution, and 10 percent placed in
23 the Fund created by subsection (b).

24 “(b) There is established in the Treasury the James
25 Wilson, Jr. Fund (referred to in this section as the

1 S6201 ‘Fund’). The Fund shall consist of moneys placed in it
 2 under subsection (a). The Attorney General shall distrib-
 3 ute the money in the fund equally between—

4 (1) State and local programs whose primary
 5 purpose is to provide training and purchase equip-
 6 ment designed to protect peace officers from per-
 7 sonal injury in the line of duty resulting from the
 8 criminal acts of third-parties; and

9 (2) to families of local, State, and Federal
 10 peace officers killed in the line of duty;
 11 according to such procedures, and in such amounts, as the
 12 Attorney General shall by rule establish.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
 14 at the beginning of chapter 301 of title 18, United States
 15 Code, is amended by adding at the end the following new
 16 item:

“4014. Requirement for prisoners.”.

17 **SEC. 5. STOPPING ABUSIVE PRISONER LAWSUITS.**

18 (a) EXHAUSTION REQUIREMENT.—Section 7(a)(1) of
 19 the Civil Rights of Institutionalized Persons Act (42
 20 U.S.C. 1997e) is amended—

21 (1) by striking “in any action brought” and in-
 22 serting “no action shall be brought”;

23 (2) by striking “the court shall” and all that
 24 follows through “require exhaustion of” and insert
 25 “until”; and

1 (3) by inserting “are exhausted” after “avail-
2 able”.

3 (b) FRIVOLOUS ACTIONS.—Section 7(a) of the Civil
4 Rights of Institutionalized Persons Act (42 U.S.C.
5 1997e(a)) is amended by adding at the end the following:
6 “(3) The court shall on its own motion or on motion
7 of a party dismiss any action brought pursuant to section
8 1979 of the Revised Statutes of the United States by an
9 adult convicted of a crime and confined in any jail, prison,
10 or other correctional facility if the action fails to state a
11 claim upon which relief can be granted or is frivolous or
12 malicious.”.

13 (c) MODIFICATION OF REQUIRED MINIMUM STAND-
14 ARDS.—Section 7(b)(2) of the Civil Rights of Institu-
15 tionalized Persons Act (42 U.S.C. 1997e(b)(2)) is amend-
16 ed by striking subparagraph (A) and redesignating sub-
17 paragraphs (B) through (E) as subparagraphs (A)
18 through (D), respectively.

19 (d) PROCEEDING IN FORMA PAUPERIS.—

20 (1) DISMISSAL.—Section 1915(d) of title 28,
21 United States Code, is amended—

22 (A) by inserting “at any time” after
23 “counsel and may”;

24 (B) by striking “and may” and inserting
25 “and shall”;

1 (C) by inserting “fails to state a claim
2 upon which relief may be granted or” after
3 “that the action”; and

4 (D) by inserting “even if partial filing fees
5 have been imposed by the court” before the pe-
6 riod.

7 (2) PRISONER’S STATEMENT OF ASSETS.—Sec-
8 tion 1915 of title 28, United States Code, is amend-
9 ed by adding at the end the following:

10 “(f) If a prisoner in a correctional institution files
11 an affidavit in accordance with subsection (a) of this sec-
12 tion, such prisoner shall include in that affidavit a state-
13 ment of all assets such prisoner possesses. The court shall
14 make inquiry of the correctional institution in which the
15 prisoner is incarcerated for information available to that
16 institution relating to the extent of the prisoner’s assets.
17 The court shall require full or partial payment of filing
18 fees according to the prisoner’s ability to pay.”.

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