

104TH CONGRESS
1ST SESSION

S. 400

To provide for appropriate remedies for prison conditions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14 (legislative day, JANUARY 30), 1995

Mrs. HUTCHISON (for herself and Mr. GRAMM) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for appropriate remedies for prison conditions,
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 “Stop Turning Out
5 Prisoners Act”.

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 Prospective relief in a civil action with respect to
6 prison conditions shall extend no further than nec-
7 essary to remove the conditions that are causing the
8 deprivation of the Federal rights of individual plain-
9 tiffs in that civil action. The court shall not grant
10 or approve any prospective relief unless the court
11 finds that such relief is narrowly drawn and the
12 least intrusive means to remedy the violation of the
13 Federal right. In determining the intrusiveness of
14 the relief, the court shall give substantial weight to
15 any adverse impact on public safety or the operation
16 of a criminal justice system caused by the relief.

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

25 “(b) TERMINATION OF RELIEF.—

1 “(1) AUTOMATIC TERMINATION OF PROSPEC-
2 TIVE RELIEF AFTER 2-YEAR PERIOD.—In any civil
3 action with respect to prison conditions, any pro-
4 spective relief shall automatically terminate 2 years
5 after the later of—

6 “(A) the date the court found the violation
7 of a Federal right that was the basis for the re-
8 lief; or

9 “(B) the date of the enactment of the Stop
10 Turning Out Prisoners Act.

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

18 “(c) PROCEDURE FOR MOTIONS AFFECTING PRO-
19 SPECTIVE RELIEF.—

20 “(1) GENERALLY.—The court shall promptly
21 rule on any motion to modify or terminate prospec-
22 tive relief in a civil action with respect to prison con-
23 ditions.

1 “(2) AUTOMATIC STAY.—Any prospective relief
2 subject to a pending motion shall be automatically
3 stayed during the period—

4 “(A) beginning on the 30th day after such
5 motion is filed, in the case of a motion made
6 under subsection (b); and

7 “(B) beginning on the 180th day after
8 such motion is filed, in the case of a motion
9 made under any other law;
10 and ending on the date the court enters a final order
11 ruling on that motion.

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

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

17 “(2) who otherwise is or may be affected by;
18 any relief the purpose or effect of which is to reduce or
19 limit the prison population shall have standing to oppose
20 the imposition or continuation in effect of that relief and
21 may intervene in any proceeding relating to that relief.
22 Standing shall be liberally conferred under this subsection
23 so as to effectuate the remedial purposes of this section.

24 “(e) SPECIAL MASTERS.—In any civil action in a
25 Federal court with respect to prison conditions, any spe-

1 cial master or monitor shall be a United States magistrate
2 and shall make proposed findings on the record on com-
3 plicated factual issues submitted to that special master or
4 monitor by the court, but shall have no other function.
5 The parties may not by consent extend the function of
6 a special master beyond that permitted under this sub-
7 section.

8 “(f) ATTORNEY’S FEES.—No attorney’s fee under
9 section 722 of the Revised Statutes of the United States
10 (42 U.S.C. 1988) may be granted to a plaintiff in a civil
11 action with respect to prison conditions except to the ex-
12 tent such fee is—

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

16 “(2) proportionally related to the extent the
17 plaintiff obtains court ordered relief for that viola-
18 tion.

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

20 “(1) the term ‘prison’ means any Federal,
21 State, or local facility that incarcerates or detains
22 juveniles or adults accused of, convicted of, sen-
23 tenced for, or adjudicated delinquent for, violations
24 of criminal law;

1 “(2) the term ‘relief’ means all relief in any
2 form which may be granted or approved by the
3 court, and includes consent decrees and settlement
4 agreements; and

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

7 (b) APPLICATION OF AMENDMENT.—Section 3626 of
8 title 18, United States Code, as amended by this section,
9 shall apply with respect to all relief (as defined in such
10 section) whether such relief was originally granted or ap-
11 proved before, on, or after the date of the enactment of
12 this Act.

13 (c) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of subchapter C of chapter 229 of title
15 18, United States Code, is amended by striking “crowd-
16 ing” and inserting “conditions”.

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