

105TH CONGRESS  
1ST SESSION

# H. R. 2392

To amend title 28, United States Code, to place a limitation on habeas corpus relief that prevents retrial of an accused.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 3, 1997

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

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## A BILL

To amend title 28, United States Code, to place a limitation on habeas corpus relief that prevents retrial of an accused.

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 “Victim Protection Act  
5 of 1997”.

6       **SEC. 2. HABEAS CORPUS RELIEF LIMITATION.**

7       (a) IN GENERAL.—Section 2243 of title 28, United  
8 States Code, is amended by striking the period at the end  
9 of the final paragraph and inserting the following: “, but  
10 the court shall not prevent the retrial of the person de-

1 tained except under the circumstances described in this  
2 paragraph. In the event of a retrial, the retrial shall be  
3 held consistent with the findings of the court. The court  
4 may prohibit a retrial where the court finds an infringe-  
5 ment of the double jeopardy, speedy trial, or ex post facto  
6 rights of the person detained, or finds that the law under  
7 which the applicant was convicted violates the Constitu-  
8 tion.”.

9 (b) APPLICATION.—The amendment made by this  
10 section shall apply to any case pending on or after the  
11 date of the enactment of this Act.

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