

105TH CONGRESS
2^D SESSION

H. R. 3718

IN THE SENATE OF THE UNITED STATES

MAY 20, 1998

Received; read twice and referred to the Committee on the Judiciary

AN ACT

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,*

1 **SECTION 1. LIMITATION ON PRISONER RELEASE ORDERS.**

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

5 **“§ 1632. Limitation on prisoner release orders**

6 “(a) LIMITATION.—Notwithstanding section
7 3626(a)(3) of title 18 or any other provision of law, in
8 a civil action with respect to prison conditions, no court
9 of the United States or other court listed in section 610
10 shall have jurisdiction to enter or carry out any prisoner
11 release order that would result in the release from or non-
12 admission to a prison, on the basis of prison conditions,
13 of any person subject to incarceration, detention, or ad-
14 mission to a facility because of a conviction of a felony
15 under the laws of the relevant jurisdiction, or a violation
16 of the terms or conditions of parole, probation, pretrial
17 release, or a diversionary program, relating to the commis-
18 sion of a felony under the laws of the relevant jurisdiction.

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

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

24 “(2) the term ‘prison conditions’ means condi-
25 tions of confinement or the effects of actions by gov-

1 ernment officials on the lives of persons confined in
2 prison.

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

“1632. Limitation on prisoner release orders.”.

6 (c) CONSENT DECREES.—

7 (1) TERMINATION OF EXISTING CONSENT DE-
8 CREES.—Any consent decree that was entered into
9 before the date of the enactment of the Prison Liti-
10 gation Reform Act of 1995, that is in effect on the
11 day before the date of the enactment of this Act,
12 and that provides for remedies relating to prison
13 conditions shall cease to be effective on the date of
14 the enactment of this Act.

15 (2) DEFINITIONS.—As used in this sub-
16 section—

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

20 (B) the term “prison conditions” has the
21 meaning given that term in section 1632(e) of

1 title 28, United States Code, as added by sub-
2 section (a) of this section.

Passed the House of Representatives May 19, 1998.

Attest: ROBIN H. CARLE,
Clerk.