

110TH CONGRESS
2^D SESSION

S. 3569

AN ACT

To make improvements in the operation and administration
of the Federal courts, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Judicial Administration and Technical Amendments Act
 4 of 2008”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for
 6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Change in composition of divisions of western district of Tennessee.
- Sec. 3. Supplemental attendance fee for petit jurors serving on lengthy trials.
- Sec. 4. Authority of district courts as to a jury summons.
- Sec. 5. Public drawing specifications for jury wheels.
- Sec. 6. Assessment of court technology costs.
- Sec. 7. Repeal of obsolete provision in the bankruptcy code relating to certain dollar amounts.
- Sec. 8. Investment of court registry funds.
- Sec. 9. Magistrate judge participation at circuit conferences.
- Sec. 10. Selection of chief pretrial services officers.
- Sec. 11. Attorney case compensation maximum amounts.
- Sec. 12. Expanded delegation authority for reviewing Criminal Justice Act vouchers in excess of case compensation maximums.
- Sec. 13. Repeal of obsolete cross-references to the Narcotic Addict Rehabilitation Act.
- Sec. 14. Conditions of probation and supervised release.
- Sec. 15. Contracting for services for pretrial defendants and post-conviction supervision offenders.
- Sec. 16. Judge members of U.S. Sentencing Commission.
- Sec. 17. Penalty for failure to appear for jury summons.
- Sec. 18. Place of holding court for the District of Minnesota.
- Sec. 19. Penalty for employers who retaliate against employees serving on jury duty.

7 **SEC. 2. CHANGE IN COMPOSITION OF DIVISIONS OF WEST-**
 8 **ERN DISTRICT OF TENNESSEE.**

9 (a) **IN GENERAL.**—Section 123(c) of title 28, United
 10 States Code, is amended—

11 (1) in paragraph (1)—

12 (A) by inserting “Dyer,” after “Decatur,”;

13 and

1 (B) in the last sentence by inserting “and
2 Dyersburg” after “Jackson”; and

3 (2) in paragraph (2)—

4 (A) by striking “Dyer,”; and

5 (B) in the second sentence, by striking
6 “and Dyersburg”.

7 (b) EFFECTIVE DATE.—

8 (1) IN GENERAL.—The amendments made by
9 this section shall take effect on the date of enact-
10 ment of this Act.

11 (2) PENDING CASES NOT AFFECTED.—The
12 amendments made by this section shall not affect
13 any action commenced before the effective date of
14 this section and pending in the United States Dis-
15 trict Court for the Western District of Tennessee on
16 such date.

17 (3) JURIES NOT AFFECTED.—The amendments
18 made by this section shall not affect the composi-
19 tion, or preclude the service, of any grand or petit
20 jury summoned, impaneled, or actually serving in
21 the United States District Court for the Western
22 District of Tennessee on the effective date of this
23 section.

1 **SEC. 3. SUPPLEMENTAL ATTENDANCE FEE FOR PETIT JU-**
2 **RORS SERVING ON LENGTHY TRIALS.**

3 (a) IN GENERAL.—Section 1871(b)(2) of title 28,
4 United States Code, is amended by striking “thirty” in
5 each place it occurs and inserting “ten”.

6 (b) EFFECTIVE DATE.—The amendments made by
7 this section shall take effect on October 1, 2009.

8 **SEC. 4. AUTHORITY OF DISTRICT COURTS AS TO A JURY**
9 **SUMMONS.**

10 Section 1866(g) of title 28, United States Code, is
11 amended in the first sentence—

12 (1) by striking “shall” and inserting “may”;

13 and

14 (2) by striking “his”.

15 **SEC. 5. PUBLIC DRAWING SPECIFICATIONS FOR JURY**
16 **WHEELS.**

17 (a) DRAWING OF NAMES FROM JURY WHEEL.—Sec-
18 tion 1864(a) of title 28, United States Code, is amended—

19 (1) in the first sentence, by striking “publicly”;

20 and

21 (2) by inserting “The clerk or jury commission
22 shall post a general notice for public review in the
23 clerk’s office and on the court’s website explaining
24 the process by which names are periodically and ran-
25 domly drawn.” after the first sentence.

1 (b) SELECTION AND SUMMONING OF JURY PAN-
2 ELS.—Section 1866(a) of title 28, United States Code, is
3 amended—

4 (1) in the second sentence, by striking “pub-
5 licly”; and

6 (2) by inserting “The clerk or jury commission
7 shall post a general notice for public review in the
8 clerk’s office and on the court’s website explaining
9 the process by which names are periodically and ran-
10 domly drawn.” after the second sentence.

11 (c) TECHNICAL AND CONFORMING AMENDMENT.—
12 Section 1869 of title 28, United States Code, is amend-
13 ed—

14 (1) in subsection (j), by adding “and” at the
15 end;

16 (2) by striking subsection (k); and

17 (3) by redesignating subsection (l) as subsection
18 (k).

19 **SEC. 6. ASSESSMENT OF COURT TECHNOLOGY COSTS.**

20 Section 1920 of title 28, United States Code, is
21 amended—

22 (1) in paragraph (2), by striking “of the court
23 reporter for all or any part of the stenographic tran-
24 script” and inserting “for printed or electronically
25 recorded transcripts”; and

1 (2) in paragraph (4), by striking “copies of pa-
2 pers” and inserting “the costs of making copies of
3 any materials where the copies are”.

4 **SEC. 7. REPEAL OF OBSOLETE PROVISION IN THE BANK-**
5 **RUPTCY CODE RELATING TO CERTAIN DOL-**
6 **LAR AMOUNTS.**

7 Section 104 of title 11, United States Code, is
8 amended—

9 (1) by striking subsection (a);

10 (2) by redesignating subsection (b)(1) as sub-
11 section (a) and subparagraphs (A) and (B) of that
12 subsection as paragraphs (1) and (2), respectively;

13 (3) by redesignating subsection (b)(2) as sub-
14 section (b);

15 (4) by redesignating subsection (b)(3) as sub-
16 section (c); and

17 (5) in subsection (c) (as redesignated by para-
18 graph (4) of this section), by striking “paragraph
19 (1)” and inserting “subsection (a)”.

20 **SEC. 8. INVESTMENT OF COURT REGISTRY FUNDS.**

21 (a) IN GENERAL.—Chapter 129 of title 28, United
22 States Code, is amended by inserting after section 2044
23 the following:

1 **“§ 2045. Investment of court registry funds**

2 “(a) The Director of the Administrative Office of the
3 United States Courts, or the Director’s designee under
4 subsection (b), may request the Secretary of the Treasury
5 to invest funds received under section 2041 in public debt
6 securities with maturities suitable to the needs of the
7 funds, as determined by the Director or the Director’s des-
8 ignee, and bearing interest at a rate determined by the
9 Secretary of the Treasury, taking into consideration cur-
10 rent market yields on outstanding marketable obligations
11 of the United States of comparable maturity.

12 “(b) The Director may designate the clerk of a court
13 described in section 610 to exercise the authority con-
14 ferred by subsection (a).”.

15 (b) TECHNICAL AND CONFORMING AMENDMENT.—
16 The table of sections for chapter 129 of title 28, United
17 States Code, is amended by adding at the end the fol-
18 lowing:

“2045. Investment of court registry funds.”.

19 **SEC. 9. MAGISTRATE JUDGE PARTICIPATION AT CIRCUIT**
20 **CONFERENCES.**

21 Section 333 of title 28, United States Code, is
22 amended in the first sentence by inserting “magistrate,”
23 after “district,”.

1 **SEC. 10. SELECTION OF CHIEF PRETRIAL SERVICES OFFI-**
2 **CERS.**

3 Section 3152 of title 18, United States Code, is
4 amended by striking subsection (c) and inserting the fol-
5 lowing:

6 “(c) The pretrial services established under sub-
7 section (b) of this section shall be supervised by a chief
8 pretrial services officer appointed by the district court.
9 The chief pretrial services officer appointed under this
10 subsection shall be an individual other than one serving
11 under authority of section 3602 of this title.”.

12 **SEC. 11. ATTORNEY CASE COMPENSATION MAXIMUM**
13 **AMOUNTS.**

14 Section 3006A(d)(2) of title 18, United States Code,
15 is amended by adding “The compensation maximum
16 amounts provided in this paragraph shall increase simulta-
17 neously by the same percentage, rounded to the nearest
18 multiple of \$100, as the aggregate percentage increases
19 in the maximum hourly compensation rate paid pursuant
20 to paragraph (1) for time expended since the case max-
21 imum amounts were last adjusted.” at the end.

1 **SEC. 12. EXPANDED DELEGATION AUTHORITY FOR REVIEW-**
 2 **ING CRIMINAL JUSTICE ACT VOUCHERS IN**
 3 **EXCESS OF CASE COMPENSATION MAXI-**
 4 **MUMS.**

5 (a) **WAIVING MAXIMUM AMOUNTS.**—Section
 6 3006A(d)(3) of title 18, United States Code, is amended
 7 in the second sentence by inserting “or senior” after “ac-
 8 tive”.

9 (b) **SERVICES OTHER THAN COUNSEL.**—Section
 10 3006A(e)(3) of title 18, United States Code, is amended
 11 in the second sentence by inserting “or senior” after “ac-
 12 tive”.

13 (c) **COUNSEL FOR FINANCIALLY UNABLE DEFEND-**
 14 **ANTS.**—Section 3599(g)(2) of title 18, United States
 15 Code, is amended in the second sentence by inserting “or
 16 senior” after “active”.

17 **SEC. 13. REPEAL OF OBSOLETE CROSS-REFERENCES TO**
 18 **THE NARCOTIC ADDICT REHABILITATION**
 19 **ACT.**

20 Section 3161(h) of title 18, United States Code, is
 21 amended—

22 (1) in paragraph (1)—

23 (A) by striking subparagraphs (B) and

24 (C); and

1 (B) by redesignating subparagraphs (D)
2 through (J) as subparagraphs (B) through (H),
3 respectively;
4 (2) by striking paragraph (5); and
5 (3) by redesignating paragraphs (6) through
6 (9) as paragraphs (5) through (8), respectively.

7 **SEC. 14. CONDITIONS OF PROBATION AND SUPERVISED RE-**
8 **LEASE.**

9 (a) **CONDITIONS OF PROBATION.**—Section
10 3563(a)(2) of title 18, United States Code, is amended
11 by striking “(b)(2), (b)(3), or (b)(13),” and inserting
12 “(b)(2) or (b)(12), unless the court has imposed a fine
13 under this chapter, or”.

14 (b) **SUPERVISED RELEASE AFTER IMPRISONMENT.**—
15 Section 3583(d) of title 18, United States Code, is amend-
16 ed by striking “section 3563(b)(1)” and all that follows
17 through “appropriate.” and inserting “section 3563(b)
18 and any other condition it considers to be appropriate,
19 provided, however that a condition set forth in subsection
20 3563(b)(10) shall be imposed only for a violation of a con-
21 dition of supervised release in accordance with section
22 3583(e)(2) and only when facilities are available.”.

23 (c) **TECHNICAL AND CONFORMING AMENDMENT.**—
24 Section 3563(b)(10) of title 18, United States Code, is

1 amended by inserting “or supervised release” after “pro-
2 bation”.

3 **SEC. 15. CONTRACTING FOR SERVICES FOR PRETRIAL DE-**
4 **FENDANTS AND POST-CONVICTION SUPER-**
5 **VISION OFFENDERS.**

6 (a) PRETRIAL SERVICE FUNCTIONS.—Section
7 3154(4) of title 18, United States Code, is amended by
8 inserting “, and contract with any appropriate public or
9 private agency or person, or expend funds, to monitor and
10 provide treatment as well as nontreatment services to any
11 such persons released in the community, including equip-
12 ment and emergency housing, corrective and preventative
13 guidance and training, and other services reasonably
14 deemed necessary to protect the public and ensure that
15 such persons appear in court as required” before the pe-
16 riod.

17 (b) DUTIES OF DIRECTOR OF ADMINISTRATIVE OF-
18 FICE OF THE UNITED STATES COURTS.—Section 3672 of
19 title 18, United States Code, is amended in the seventh
20 undesignated paragraph—

21 (1) in the third sentence, by striking “negotiate
22 and award such contracts” and inserting “negotiate
23 and award contracts identified in this paragraph”;
24 and

1 (2) in the fourth sentence, by inserting “to ex-
2 pend funds or” after “He shall also have the author-
3 ity”.

4 **SEC. 16. JUDGE MEMBERS OF U.S. SENTENCING COMMIS-**
5 **SION.**

6 Section 991(a) of title 28, United States Code, is
7 amended in the third sentence by striking “Not more
8 than” and inserting “At least”.

9 **SEC. 17. PENALTY FOR FAILURE TO APPEAR FOR JURY**
10 **SUMMONS.**

11 (a) SECTION 1864 SUMMONS.—Section 1864(b) of
12 title 28, United States Code, is amended by striking
13 “\$100 or imprisoned not more than three days, or both.”
14 each place it appears and inserting “\$1,000, imprisoned
15 not more than three days, ordered to perform community
16 service, or any combination thereof.”.

17 (b) SECTION 1866 SUMMONS.—Section 1866(g) of
18 title 28, United States Code, is amended by striking
19 “\$100 or imprisoned not more than three days, or both.”
20 and inserting “\$1,000, imprisoned not more than three
21 days, ordered to perform community service, or any com-
22 bination thereof.”.

1 **SEC. 18. PLACE OF HOLDING COURT FOR THE DISTRICT OF**
2 **MINNESOTA.**

3 Section 103(6) of title 28, United States Code, is
4 amended in the second sentence by inserting “and
5 Bemidji” before the period.

6 **SEC. 19. PENALTY FOR EMPLOYERS WHO RETALIATE**
7 **AGAINST EMPLOYEES SERVING ON JURY**
8 **DUTY.**

9 Section 1875(b)(3) of title 28, United States Code,
10 is amended by striking “\$1,000 for each violation as to
11 each employee.” and inserting “\$5,000 for each violation
12 as to each employee, and may be ordered to perform com-
13 munity service.”.

Passed the Senate September 27 (legislative day,
September 17), 2008.

Attest:

Secretary.

110TH CONGRESS
2^D SESSION

S. 3569

AN ACT

To make improvements in the operation and administration of the Federal courts, and for other purposes.