

**A Legislative History
of the
Prison Litigation Reform
Act of 1996,
Pub. L. No. 104-134
110 Stat. 1321**

by

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INTRODUCTION

AN OVERVIEW OF THE PRISON LITIGATION REFORM ACT OF 1996

4-9-98

The Prison Litigation Reform Act (PLRA) was passed on April 26, 1996, as Title VIII of the statute making fiscal appropriations for 1996 for the Department of Commerce, Justice, and State; the judiciary; and related agencies. Its purpose is to provide an effective case-management plan for prisoner civil rights cases. The PLRA focuses on court practices for processing *in forma pauperis* suits, in light of the fact that the overwhelming majority of prisoner cases are filed *pro se* and *in forma pauperis*. Because the majority of prisoner civil rights complaints are decided on the pleadings and disposed of without trial, the PLRA places most of the administrative burden on the district courts in the areas of initial screening and pretrial processes.

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The requirements for achieving *in forma pauperis* status have been made more stringent by the PLRA. A prisoner seeking *in forma pauperis* status must now include in the required affidavit "a statement of all assets such prisoner possesses" and "a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the six month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined." The PLRA also requires prisoners who are granted *in forma pauperis* status to pay the filing fee, by a partial initial payment from any funds available and through monthly payments forwarded by the institution based on the balance in the prisoner's account. The PLRA does allow a prisoner to bring an action even if the prisoner has no assets and no means by which to pay the initial filing fee.

It must be noted that the PLRA does not contain a provision specifying an effective date. The PLRA's applicability to cases filed before the date it was signed, April 26, 1996, is a matter of legal interpretation to be decided by the courts. In fact, much of the early litigation regarding the PLRA centers around the retroactive application of its provisions. However, the provisions of section 802(b)(1) governing prospective relief are expressly made applicable to all prospective relief entered before, on, or after enactment of the PLRA.

Lastly, we wish to acknowledge the contribution of Loris Zep-
pieri, a third year law student, who assisted in gathering these
materials.

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August 1997

LEGISLATIVE CHRONOLOGY

H.R. 2076

Feb. 6, 1995:

Referred to the Subcommittee on Commerce, Justice, State, and Judiciary of the House Appropriations Committee.

July 19, 1995:

Reported in House.

July 26, 1995:

Consideration of amendments.
Passed House.

July 27, 1995:

Received in Senate and referred to the Subcommittee on Commerce, Justice, State of the Senate Appropriations Committee.

Sept. 12, 1995:

Reported to Senate.

Sept. 28, 1995:

Consideration of Amendments.

Sept. 29, 1995:

Consideration of Amendments.
Amendment 2038, Title VIII, the *Prison Litigation Reform Act of 1995* approved by voice vote.
Senate insists on amendments and asks for a conference.

Oct. 17, 1995:

Message on Senate action sent to House.

Dec. 1, 1995:

Conference report filed in House.

Dec. 6, 1995:

House agrees to conference report. 256-166.

Dec. 7, 1995:

Senate unanimously agrees to conference report.

Dec. 13, 1995:

Presented to President Clinton.

Dec. 19, 1995:

Vetoed by President Clinton.

H.R. 3019

Mar. 5, 1996:

Referred to the Committee on Appropriations and the Committee on the Budget.

Mar. 7, 1996:

Adoption of amendments.
Passed House as amended, 209-206.

Mar. 11, 1996:

Received in Senate.
Consideration of amendments.

Mar. 12-19, 1996:

Consideration of amendments.

Mar. 19, 1996:

Passed Senate with amendments. 79-21.
Senate insists on amendments and asks for a conference.

Mar. 21, 1996:

Message on Senate action sent to House.

Mar. 19, 21, 27, 29, 1996:

Conference held.

Apr. 25, 1996:

Conference report filed in House.

House agrees to conference report. 399-25.

Senate agrees to conference report. 88-11.

Presented to President Clinton.

Apr. 26, 1996:

Signed by President Clinton.

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(text of H.R. 667 as introduced).

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Doc. No. 5 - 141 Cong. Rec. E317 (daily ed. Feb. 2, 1995)
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Doc. No. 6 - 141 Cong. Rec. S6699 (daily ed. May 15, 1995) (re-
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Doc. No. 7 - 141 Cong. Rec. S7524-7525 (daily ed. May 25, 1995)
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Doc. No. 8 - 141 Cong. Rec. S7525-7528 (daily ed. May 25, 1995)
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Doc. No. 9 - 141 Cong. Rec. S10895-10896 (daily ed. July 28, 1995)
(remarks of Sen. Reid).

Doc. No. 10 - 141 Cong. Rec. S14316-14317 (daily ed. Sept. 26, 1995)
(remarks of Sen. Abraham).

Doc. No. 11 - 141 Cong. Rec. S14317-14318 (daily ed. Sept. 26, 1995)
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- Doc. No. 24 -** 142 Cong. Rec. S2458-2461 (daily ed. March 20, 1996) (text of Title VIII of H.R. 3019 as passed by Senate).
- Doc. No. 25 -** 142 Cong. Rec. H3859-3862 (daily ed. April 25, 1996) (text of conference report on Title VIII of H.R. 3019).

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- Doc. No. 27 -** H.R. 3019, Depts. of Commerce, Justice, and State, the Judiciary, and Appropriations Act, 1996 (Title VIII, Prison Litigation Reform) (as introduced in the House, March 5, 1996).
- Doc. No. 28 -** H.R. 3019 (as passed by the House, March 7, 1996).
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- Doc. No. 33 -** H.R. 3, *Taking Back Our Streets Act of 1995* (Title VII, Stopping Abusive Prisoner Lawsuits, Pages 61-63) (Jan 4, 1995).
- Doc. No. 34 -** H.R. 667, *Violent Criminal Incarceration Act* (Title II, Stopping Abusive Prisoner Lawsuits, and Title III, Stop Turning Out Prisoners, Pages 9-16) (as introduced Jan. 25, 1995).
- Doc. No. 35 -** H.R. 667 (as reported in the House, Pages 12-18, Feb 6, 1995).
- Doc. No. 36 -** H.R. 667 (as passed by the House, Pages 21-28, Feb. 10, 1995).
- Doc. No. 37 -** H.R. 667 (as referred to the Senate, Pages 21-28, Feb. 22, 1995).
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- Doc. No. 41 - S. 866, *Prison Litigation Reform Act of 1995*, (May 25, 1995).
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- Doc. No. 46 - H.R. 2468, *Prisoner Lawsuit Efficiency Act of 1995* (Oct. 11, 1995).
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- Doc. No. 52 - Making Appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies for the Fiscal Year Ending September 30, 1996, and for Other Purposes, H. Rep. No. 104-378, Pages 1, 65-77, 166-167 (1995).

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- Doc. No. 55 -** Prison Reform; Enhancing The Effectiveness of Incarceration; Hearing Before the Committee on the Judiciary, S. Hrg. 104-573 (July 27, 1995).

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- Doc. No. 56 -** Resource Guide for Managing Prisoner Civil Rights Litigation, with special emphasis on the Prison Litigation Reform Act, published by the Federal Judicial Center (1996).

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