

"Sec. 507. Authorization of appropriations.

"Sec. 508. Definitions."

1 **TITLE II—STOPPING ABUSIVE** 2 **PRISONER LAWSUITS**

3 **SEC. 201. EXHAUSTION REQUIREMENT.**

4 Section 7(a)(1) of the Civil Rights of Institutionalized
5 Persons Act (42 U.S.C. 1997e) is amended—

6 (1) by striking "in any action brought" and in-
7 serting "no action shall be brought";

8 (2) by striking "the court shall" and all that
9 follows through "require exhaustion of" and insert
10 "until"; and

11 (3) by inserting "are exhausted" after "avail-
12 able".

13 **SEC. 202. FRIVOLOUS ACTIONS.**

14 Section 7(a) of the Civil Rights of Institutionalized
15 Persons Act (42 U.S.C. 1997e(a)) is amended by adding
16 at the end the following:

17 "(3) The court shall on its own motion or on motion
18 of a party dismiss any action brought pursuant to section
19 1979 of the Revised Statutes of the United States by an
20 adult convicted of a crime and confined in any jail, prison,
21 or other correctional facility if the court is satisfied that
22 the action fails to state a claim upon which relief can be
23 granted or is frivolous or malicious."

1 **SEC. 203. MODIFICATION OF REQUIRED MINIMUM STAND-**
2 **ARDS.**

3 Section 7(b)(2) of the Civil Rights of Institutionalized
4 Persons Act (42 U.S.C. 1997e(b)(2)) is amended by strik-
5 ing subparagraph (A) and redesignating subparagraphs
6 (B) through (E) as subparagraphs (A) through (D), re-
7 spectively.

8 **SEC. 204. PROCEEDINGS IN FORMA PAUPERIS.**

9 (a) **DISMISSAL.**—Section 1915(d) of title 28, United
10 States Code, is amended—

11 (1) by inserting “at any time” after “counsel
12 and may”;

13 (2) by striking “and may” and inserting “and
14 shall”;

15 (3) by inserting “fails to state a claim upon
16 which relief may be granted or” after “that the ac-
17 tion”; and

18 (4) by inserting “even if partial filing fees have
19 been imposed by the court” before the period.

20 (b) **PRISONER’S STATEMENT OF ASSETS.**—Section
21 1915 of title 28, United States Code, is amended by add-
22 ing at the end the following:

23 “(f) If a prisoner in a correctional institution files
24 an affidavit in accordance with subsection (a) of this sec-
25 tion, such prisoner shall include in that affidavit a state-
26 ment of all assets such prisoner possesses. The court shall

1 make inquiry of the correctional institution in which the
2 prisoner is incarcerated for information available to that
3 institution relating to the extent of the prisoner's assets.
4 The court shall require full or partial payment of filing
5 fees according to the prisoner's ability to pay."

6 **TITLE III—STOP TURNING OUT**
7 **PRISONERS**

8 **SEC. 301. APPROPRIATE REMEDIES FOR PRISON CONDI-**
9 **TIONS.**

10 (a) IN GENERAL.—Section 3626 of title 18, United
11 States Code, is amended to read as follows:

12 **"§ 3626. Appropriate remedies with respect to prison**
13 **conditions**

14 "(a) REQUIREMENTS FOR RELIEF.—

15 "(1) LIMITATIONS ON PROSPECTIVE RELIEF.—

16 Prospective relief in a civil action with respect to
17 prison conditions shall extend no further than nec-
18 essary to remove the conditions that are causing the
19 deprivation of the Federal rights of individual plain-
20 tiffs in that civil action. The court shall not grant
21 or approve any prospective relief unless the court
22 finds that such relief is narrowly drawn and the
23 least intrusive means to remedy the violation of the
24 Federal right. In determining the intrusiveness of
25 the relief, the court shall give substantial weight to

1 any adverse impact on public safety or the operation
2 of a criminal justice system caused by the relief.

3 “(2) PRISON POPULATION REDUCTION RE-
4 LIEF.—In any civil action with respect to prison con-
5 ditions, the court shall not grant or approve any re-
6 lief whose purpose or effect is to reduce or limit the
7 prison population, unless the plaintiff proves that
8 crowding is the primary cause of the deprivation of
9 the Federal right and no other relief will remedy
10 that deprivation.

11 “(b) TERMINATION OF RELIEF.—

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

17 “(A) the date the court found the violation
18 of a Federal right that was the basis for the re-
19 lief; or

20 “(B) the date of the enactment of the Stop
21 Turning Out Prisoners Act.

22 “(2) IMMEDIATE TERMINATION OF PROSPEC-
23 TIVE RELIEF.—In any civil action with respect to
24 prison conditions, a defendant or intervenor shall be
25 entitled to the immediate termination of any pro-

1 spective relief, if that relief was approved or granted
2 in the absence of a finding by the court that prison
3 conditions violated a Federal right.

4 “(c) PROCEDURE FOR MOTIONS AFFECTING PRO-
5 SPECTIVE RELIEF.—

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

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

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

16 “(B) beginning on the 180th day after
17 such motion is filed, in the case of a motion
18 made under any other law;

19 and ending on the date the court enters a final order
20 ruling on that motion.

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

23 “(1) whose jurisdiction or function includes the
24 prosecution or custody of persons in a prison subject
25 to; or

1 “(2) who otherwise is or may be affected by;
2 any relief whose purpose or effect is to reduce or limit
3 the prison population shall have standing to oppose the
4 imposition or continuation in effect of that relief and may
5 intervene in any proceeding relating to that relief. Stand-
6 ing shall be liberally conferred under this subsection so
7 as to effectuate the remedial purposes of this section.

8 “(e) SPECIAL MASTERS.—In any civil action in a
9 Federal court with respect to prison conditions, any spe-
10 cial master or monitor shall be a United States magistrate
11 and shall make proposed findings on the record on com-
12 plicated factual issues submitted to that special master or
13 monitor by the court, but shall have no other function.
14 The parties may not by consent extend the function of
15 a special master beyond that permitted under this sub-
16 section.

17 “(f) ATTORNEY’S FEES.—No attorney’s fee under
18 section 722 of the Revised Statutes of the United States
19 (42 U.S.C. 1988) may be granted to a plaintiff in a civil
20 action with respect to prison conditions except to the ex-
21 tent such fee is—

22 “(1) directly and reasonably incurred in proving
23 an actual violation of the plaintiff’s Federal rights;
24 and

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

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

5 “(1) the term ‘prison’ means any Federal,
6 State, or local facility that incarcerates or detains
7 juveniles or adults accused of, convicted of, sen-
8 tenced for, or adjudicated delinquent for, violations
9 of criminal law;

10 “(2) the term ‘relief’ means all relief in any
11 form which may be granted or approved by the
12 court, and includes consent decrees and settlement
13 agreements (except a settlement agreement the
14 breach of which is not subject to any court enforce-
15 ment other than reinstatement of the civil proceed-
16 ing which such agreement settled); and

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

19 (b) APPLICATION OF AMENDMENT.—Section 3626 of
20 title 18, United States Code, as amended by this section,
21 shall apply with respect to all relief (as defined in such
22 section) whether such relief was originally granted or ap-
23 proved before, on, or after the date of the enactment of
24 this Act.

1 (c) CLERICAL AMENDMENT.—The item relating to
2 section 3626 in the table of sections at the beginning of
3 subchapter C of chapter 229 of title 18, United States
4 Code, is amended by striking “crowding” and inserting
5 “conditions”.

6 **TITLE IV—ENHANCING PROTEC-**
7 **TION AGAINST INCARCER-**
8 **ATED CRIMINALS**

9 **SEC. 401. PRISON SECURITY.**

10 (a) IN GENERAL.—Chapter 303 of title 18, United
11 States Code, is amended by adding at the end the follow-
12 ing new section:

13 **“§ 4048. Strength-training of prisoners prohibited**

14 “The Bureau of Prisons shall ensure that—

15 “(1) prisoners under its jurisdiction do not en-
16 gage in any physical activities designed to increase
17 their fighting ability; and

18 “(2) all equipment designed for increasing the
19 strength or fighting ability of prisoners promptly be
20 removed from Federal correctional facilities and not
21 be introduced into such facilities thereafter except as
22 needed for a medically required program of physical
23 rehabilitation approved by the Director of the Bu-
24 reau of Prisons.”.