

110TH CONGRESS
2D SESSION

S. 3569

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24 (legislative day, SEPTEMBER 17), 2008

Mr. SCHUMER (for himself, Mr. SESSIONS, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

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,*

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

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

7 (b) TABLE OF CONTENTS.—The table of contents for
8 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.

1 SEC. 2. CHANGE IN COMPOSITION OF DIVISIONS OF WEST-
2 ERN DISTRICT OF TENNESSEE.

3 (a) IN GENERAL.—Section 123(c) of title 28, United
4 States Code, is amended—

5 (1) in paragraph (1)—

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

7 and

8 (B) in the last sentence by inserting “and

9 Dyersburg” after “Jackson”; and

10 (2) in paragraph (2)—

11 (A) by striking “Dyer,”; and

12 (B) in the second sentence, by striking

13 “and Dyersburg”.

14 (b) EFFECTIVE DATE.—

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

4 (2) PENDING CASES NOT AFFECTED.—The
5 amendments made by this section shall not affect
6 any action commenced before the effective date of
7 this section and pending in the United States Dis-
8 trict Court for the Western District of Tennessee on
9 such date.

10 (3) JURIES NOT AFFECTED.—The amendments
11 made by this section shall not affect the composi-
12 tion, or preclude the service, of any grand or petit
13 jury summoned, impaneled, or actually serving in
14 the United States District Court for the Western
15 District of Tennessee on the effective date of this
16 section.

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

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

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

1 **SEC. 4. AUTHORITY OF DISTRICT COURTS AS TO A JURY**
 2 **SUMMONS.**

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

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

6 and

7 (2) by striking “his”.

8 **SEC. 5. PUBLIC DRAWING SPECIFICATIONS FOR JURY**
 9 **WHEELS.**

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

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

13 and

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

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

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

24 (2) by inserting “The clerk or jury commission
 25 shall post a general notice for public review in the
 26 clerk’s office and on the court’s website explaining

1 the process by which names are periodically and ran-
 2 domly drawn.” after the second sentence.

3 (c) TECHNICAL AND CONFORMING AMENDMENT.—
 4 Section 1869 of title 28, United States Code, is amend-
 5 ed—

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

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

9 (3) by redesignating subsection (l) as subsection
 10 (k).

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

12 Section 1920 of title 28, United States Code, is
 13 amended—

14 (1) in paragraph (2), by striking “of the court
 15 reporter for all or any part of the stenographic tran-
 16 script” and inserting “for printed or electronically
 17 recorded transcripts”; and

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

21 **SEC. 7. REPEAL OF OBSOLETE PROVISION IN THE BANK-**
 22 **RUPTCY CODE RELATING TO CERTAIN DOL-**
 23 **LAR AMOUNTS.**

24 Section 104 of title 11, United States Code, is
 25 amended—

1 (1) by striking subsection (a);

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

5 (3) by redesignating subsection (b)(2) as sub-
6 section (b);

7 (4) by redesignating subsection (b)(3) as sub-
8 section (c); and

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

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

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

16 **“§ 2045. Investment of court registry funds**

17 “(a) The Director of the Administrative Office of the
18 United States Courts, or the Director’s designee under
19 subsection (b), may request the Secretary of the Treasury
20 to invest funds received under section 2041 in public debt
21 securities with maturities suitable to the needs of the
22 funds, as determined by the Director or the Director’s des-
23 ignee, and bearing interest at a rate determined by the
24 Secretary of the Treasury, taking into consideration cur-

1 rent market yields on outstanding marketable obligations
2 of the United States of comparable maturity.

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

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

“2045. Investment of court registry funds.”.

10 **SEC. 9. MAGISTRATE JUDGE PARTICIPATION AT CIRCUIT**
11 **CONFERENCES.**

12 Section 333 of title 28, United States Code, is
13 amended in the first sentence by inserting “magistrate,”
14 after “district,”.

15 **SEC. 10. SELECTION OF CHIEF PRETRIAL SERVICES OFFI-**
16 **CERS.**

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

20 “(c) The pretrial services established under sub-
21 section (b) of this section shall be supervised by a chief
22 pretrial services officer appointed by the district court.
23 The chief pretrial services officer appointed under this
24 subsection shall be an individual other than one serving
25 under authority of section 3602 of this title.”.

1 **SEC. 11. ATTORNEY CASE COMPENSATION MAXIMUM**
 2 **AMOUNTS.**

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

11 **SEC. 12. EXPANDED DELEGATION AUTHORITY FOR REVIEW-**
 12 **ING CRIMINAL JUSTICE ACT VOUCHERS IN**
 13 **EXCESS OF CASE COMPENSATION MAXI-**
 14 **MUMS.**

15 (a) **WAIVING MAXIMUM AMOUNTS.**—Section
 16 3006A(d)(3) of title 18, United States Code, is amended
 17 in the second sentence by inserting “or senior” after “ac-
 18 tive”.

19 (b) **SERVICES OTHER THAN COUNSEL.**—Section
 20 3006A(e)(3) of title 18, United States Code, is amended
 21 in the second sentence by inserting “or senior” after “ac-
 22 tive”.

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

1 **SEC. 13. REPEAL OF OBSOLETE CROSS-REFERENCES TO**
 2 **THE NARCOTIC ADDICT REHABILITATION**
 3 **ACT.**

4 Section 3161(h) of title 18, United States Code, is
 5 amended—

6 (1) in paragraph (1)—

7 (A) by striking subparagraphs (B) and
 8 (C); and

9 (B) by redesignating subparagraphs (D)
 10 through (J) as subparagraphs (B) through (H),
 11 respectively;

12 (2) by striking paragraph (5); and

13 (3) by redesignating paragraphs (6) through
 14 (9) as paragraphs (5) through (8), respectively.

15 **SEC. 14. CONDITIONS OF PROBATION AND SUPERVISED RE-**
 16 **LEASE.**

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

22 (b) **SUPERVISED RELEASE AFTER IMPRISONMENT.**—
 23 Section 3583(d) of title 18, United States Code, is amend-
 24 ed by striking “section 3563(b)(1)” and all that follows
 25 through “appropriate.” and inserting “section 3563(b)
 26 and any other condition it considers to be appropriate,

1 provided, however that a condition set forth in subsection
 2 3563(b)(10) shall be imposed only for a violation of a con-
 3 dition of supervised release in accordance with section
 4 3583(e)(2) and only when facilities are available.”.

5 (c) TECHNICAL AND CONFORMING AMENDMENT.—
 6 Section 3563(b)(10) of title 18, United States Code, is
 7 amended by inserting “or supervised release” after “pro-
 8 bation”.

9 **SEC. 15. CONTRACTING FOR SERVICES FOR PRETRIAL DE-**
 10 **FENDANTS AND POST-CONVICTION SUPER-**
 11 **VISION OFFENDERS.**

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

23 (b) DUTIES OF DIRECTOR OF ADMINISTRATIVE OF-
 24 FICE OF THE UNITED STATES COURTS.—Section 3672 of

1 title 18, United States Code, is amended in the seventh
2 undesignated paragraph—

3 (1) in the third sentence, by striking “negotiate
4 and award such contracts” and inserting “negotiate
5 and award contracts identified in this paragraph”;
6 and

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

10 **SEC. 16. JUDGE MEMBERS OF U.S. SENTENCING COMMIS-**
11 **SION.**

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

15 **SEC. 17. PENALTY FOR FAILURE TO APPEAR FOR JURY**
16 **SUMMONS.**

17 (a) SECTION 1864 SUMMONS.—Section 1864(b) of
18 title 28, United States Code, is amended by striking
19 “\$100 or imprisoned not more than three days, or both.”
20 each place it appears and inserting “\$1,000, imprisoned
21 not more than three days, ordered to perform community
22 service, or any combination thereof.”.

23 (b) SECTION 1866 SUMMONS.—Section 1866(g) of
24 title 28, United States Code, is amended by striking
25 “\$100 or imprisoned not more than three days, or both.”

1 and inserting “\$1,000, imprisoned not more than three
2 days, ordered to perform community service, or any com-
3 bination thereof.”.

4 **SEC. 18. PLACE OF HOLDING COURT FOR THE DISTRICT OF**
5 **MINNESOTA.**

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

9 **SEC. 19. PENALTY FOR EMPLOYERS WHO RETALIATE**
10 **AGAINST EMPLOYEES SERVING ON JURY**
11 **DUTY.**

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

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