

105TH CONGRESS
1ST SESSION

H. R. 1027

To amend title 28, United States Code, to provide for a 3-judge court to hear and determine any application for an injunction against the enforcement of a State or Federal law on the ground of unconstitutionality, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 1997

Mr. PAXON introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to provide for a 3-judge court to hear and determine any application for an injunction against the enforcement of a State or Federal law on the ground of unconstitutionality, 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. THREE-JUDGE COURT.**

4 (a) IN GENERAL.—Chapter 155 of title 28, United
5 States Code, is amended by inserting before section 2283
6 the following:

1 **“§ 2281. Injunction against enforcement of State stat-**
2 **ute; three-judge court required**

3 “An interlocutory or permanent injunction restrain-
4 ing the enforcement, operation, or execution of any State
5 statute by restraining the action of any officer of such
6 State in the enforcement or execution of such statute or
7 of an order made by an administrative board or commis-
8 sion acting under State statutes, shall not be granted by
9 any district court upon the ground of the unconstitution-
10 ality of such statute unless the application therefor is
11 heard and determined by a district court of three judges
12 under section 2284 of this title.

13 **“§ 2282. Injunction against enforcement of Federal**
14 **statute; three-judge court required**

15 “An interlocutory or permanent injunction restrain-
16 ing the enforcement, operation, or execution of any Act
17 of Congress for repugnance to the Constitution of the
18 United States shall not be granted by any district court
19 unless the application therefor is heard and determined
20 by a district court of three judges under section 2284 of
21 this title.”.

22 (b) CONFORMING AMENDMENTS.—(1) Section
23 2284(a) of title 28, United States Code, is amended by
24 inserting “pursuant to section 2281 or 2282 or” after
25 “shall be convened”.

1 (2) The table of contents for chapter 155 of title 28,
2 United States Code, is amended by inserting before the
3 item relating to section 2283 the following:

“2281. Injunction against enforcement of State statute; three-judge court required.

“2282. Injunction against enforcement of Federal statute; three-judge court required.”.

4 **SEC. 2. AUTHORITY OF SUPREME COURT TO DENY CERTIO-**
5 **RARI.**

6 Section 1253 of title 28, United States Code, is
7 amended by inserting before the period at the end the fol-
8 lowing: “, except for proceedings under section 2281 or
9 2282”.

10 **SEC. 3. EFFECTIVE DATE.**

11 The amendments made by this Act shall not apply
12 to any action commenced before the date of the enactment
13 of this Act.

○