

105TH CONGRESS
1ST SESSION

H. R. 1492

To amend rule 11 of the Federal Rules of Civil Procedure regarding representations made to courts by or on behalf of, and court sanctions applicable with respect to, prisoners.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 1997

Mr. GALLEGLY (for himself, Mr. BEREUTER, Mr. BUNNING, Mr. CONDIT, Mr. DAVIS of Virginia, Mr. EHRLICH, Mr. FOLEY, Mr. GIBBONS, Mr. HAYWORTH, Mr. HORN, Ms. MOLINARI, Mr. PACKARD, Mr. ROYCE, Mr. SCARBOROUGH, Mr. SOLOMON, Mr. STEARNS, and Mr. TRAFICANT) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend rule 11 of the Federal Rules of Civil Procedure regarding representations made to courts by or on behalf of, and court sanctions applicable with respect to, prisoners.

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.**

4 This Act may be cited as the “Prisoners Frivolous
5 Lawsuit Prevention Act of 1997”.

1 **SEC. 2. AMENDMENTS.**

2 Rule 11 of the Federal Rules of Civil Procedure (28
3 U.S.C. App.) is amended—

4 (1) in subdivision (b)(3) by inserting “are made
5 in a case involving a party other than a prisoner
6 and” after “or,” and

7 (2) in subdivision (c)—

8 (A) by striking “If” and inserting “Except
9 as otherwise provided in this subdivision, if”,

10 (B) by inserting after the 1st sentence the
11 following:

12 “If after notice and a reasonable opportunity to respond,
13 the court determines in a case involving a party who is
14 a prisoner that subdivision (b) has been violated, the court
15 shall, subject to the conditions stated below, impose an
16 appropriate sanction upon the attorneys, law firms, or
17 parties that have violated subdivision (b) or are respon-
18 sible for the violation.”, and

19 (C) in the first sentence of paragraph (2)
20 by inserting before the period the following: “,
21 but the limitation specified in this sentence
22 shall not apply in a case involving a party who
23 is a prisoner”.

24 **SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**

25 (a) EFFECTIVE DATE.—Except as provided in sub-
26 section (b), this Act and the amendments made by this

1 Act shall take effect 30 days after the date of the enact-
2 ment of this Act.

3 (b) APPLICATION OF AMENDMENTS.—The amend-
4 ments made by this Act shall not apply with respect to
5 conduct occurring before the effective date of such amend-
6 ments.

