

105TH CONGRESS  
1ST SESSION

# S. 1110

To amend title 28, United States Code, to place a limitation on habeas corpus relief that prevents retrial of an accused.

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## IN THE SENATE OF THE UNITED STATES

JULY 31, 1997

Mr. SPECTER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend title 28, United States Code, to place a limitation on habeas corpus relief that prevents retrial of an accused.

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 “Victim Protection Act  
5       of 1997”.

6       **SEC. 2. HABEAS CORPUS RELIEF LIMITATION.**

7       (a) IN GENERAL.—Section 2243 of title 28, United  
8       States Code, is amended in the last paragraph by inserting  
9       before the period at the end the following: “, except that  
10      the court shall not prohibit the retrial of the person de-

1 tained, unless the court finds an infringement of the dou-  
2 ble jeopardy, speedy trial, or ex post facto rights of the  
3 person, or finds that the law under which the person was  
4 convicted violates the Constitution. In the event of a re-  
5 trial of the person detained, the trial shall be conducted  
6 in accordance with the findings of the court”.

7 (b) APPLICATION.—The amendment made by this  
8 section shall apply to any case pending or commenced on  
9 or after the date of enactment of this Act.

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