

105TH CONGRESS
2D SESSION

S. 2332

To limit the ability of prisoners to challenge prison conditions.

IN THE SENATE OF THE UNITED STATES

JULY 21, 1998

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

A BILL

To limit the ability of prisoners to challenge prison conditions.

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 “Crime Doesn’t Pay
5 Prison Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The Supreme Court has held that the Con-
9 stitution does not mandate comfortable prison condi-
10 tions; only those deprivations denying the minimal
11 civilized measure of life’s necessities are sufficiently

1 grave to form the basis of an eighth amendment vio-
2 lation. *Wilson v. Seiter*, 115 L. Ed. 2d 271, (1991)
3 (citing *Rhodes v. Chapman*, 452 U.S. 337 (1981)).

4 (2) An inmate should not be able to successfully
5 challenge conditions of confinement of an institution
6 unless the inmate establishes both that the condition
7 is contrary to the current standards of decency of
8 society and that prison officials are deliberately in-
9 different to the plight of the inmate. *Wilson v.*
10 *Seiter*, 115 L. Ed. 2d 271 (1991).

11 (3) Expenditures on prisons in excess of levels
12 necessary to meet constitutionally mandated condi-
13 tions of confinement increase the cost of building
14 and administering institutions, thereby diverting
15 funds which could be used to expand current prison
16 capacity throughout the country. Additional prison
17 beds are desperately needed to stop the early release
18 of repeat and violent offenders due to insufficient
19 prison capacity.

20 (4) Public funds that could go to assist the law-
21 abiding poor are being expended to provide facilities
22 and services for inmates at a level exceeding the
23 minimum standard of living for the law-abiding poor
24 and exceeding the conditions mandated by the Con-
25 stitution.

1 (5) There is a need for Congress, on behalf of
2 the people, to express and codify a national standard
3 of minimum decency for prison conditions. Inmates
4 should not be entitled, by virtue of their imprison-
5 ment, to live better than law-abiding persons living
6 at the poverty guideline level of income as deter-
7 mined by the Secretary of Health and Human Serv-
8 ices.

9 (6) Federal courts have been besieged by frivo-
10 lous litigation brought by inmates incarcerated in in-
11 stitutions. Lacking a legislative expression of the
12 contemporary standards of decency relating to pris-
13 on conditions, Federal courts have become unduly
14 involved in the micromanagement of correctional fa-
15 cilities, a role for which the Supreme Court recog-
16 nizes courts are ill-suited and which is better left to
17 the expertise of prison administrators. *Procunier v.*
18 *Martinez*, 416 U.S. 396, 404–05 (1974).

19 (b) PURPOSES.—The purposes of this Act are—

20 (1) to articulate an objective national standard
21 for measuring the minimum decency of prison condi-
22 tions;

23 (2) to ensure that criminal punishments reflect
24 the seriousness of the offense, promote respect for
25 the law, provide just punishment, afford adequate

1 deterrence, and protect the public from further
 2 crimes by requiring that inmates do not live better
 3 than law-abiding persons living at the poverty level;

4 (3) to ensure that State governments are re-
 5 quired to spend only that amount necessary to
 6 achieve the minimum standard for conditions of con-
 7 finement mandated by the Constitution; and

8 (4) to ensure that Federal courts require only
 9 that prison conditions do not constitute the unneces-
 10 sary and wanton infliction of pain due to the delib-
 11 erate indifference of institutional administrators,
 12 such that inmates are deprived of the minimum civ-
 13 ilized measure of life's necessities. *Hudson v. McMil-*
 14 *lan*, 117 L. Ed. 2d 156 (1992); *Wilson v. Seiter*,
 15 115 L. Ed. 2d 271 (1991); *Whitely v. Albers*, 475
 16 U.S. 312 (1986); *Rhodes v. Chapman*, 452 U.S. 337
 17 (1981).

18 **SEC. 3. JUDICIAL STANDARDS FOR PRISON CONDITIONS.**

19 Section 722 of the Revised Statutes (42 U.S.C. 1988)
 20 is amended by adding at the end the following:

21 “(d)(1) In any action or proceeding challenging con-
 22 ditions of confinement of an institution, a court may not
 23 grant any relief unless the conditions challenged constitute
 24 the unnecessary and wanton infliction of pain due to the
 25 deliberate indifference of the administrators of the institu-

tion such that inmates are deprived of the minimum civilized measure of life's necessities.

“(2)(A) If an institution makes a per-inmate expenditure equal to or exceeding the poverty guideline level there is a presumption that the administrators of the institution are not deliberately indifferent to the unnecessary and wanton infliction of pain and the deprivation of the minimum civilized measure of life's necessities, which may be rebutted only by clear and convincing evidence to the contrary.

“(B) A failure to make a per-inmate expenditure at a level equal to or exceeding the poverty guideline level does not give rise to a presumption that the conditions of confinement of an institution are unconstitutional.

“(3) In this subsection:

“(A) The term ‘conditions of confinement’ means aspects of confinement of an institution, which includes food, shelter, clothing, medical care, goods, services and programs of an institution, but does not include aspects relating to institutional security.

“(B) The term ‘inmate’ means a person committed to the custody of an institution.

“(C) The term ‘institution’ has the meaning given the term in section 721.

1 “(D) The term ‘per-inmate expenditure’ means
2 the amount equal to the quotient of—

3 “(i) an institution’s allocated expenditure
4 for providing food, shelter, clothing, medical
5 care, goods, services and programs, excluding
6 costs specifically related to institutional security
7 during the 12-month period preceding the date
8 of the alleged violation; divided by

9 “(ii) the average number of inmates con-
10 fined in the institution during that 12-month
11 period.

12 “(E) The term ‘poverty guideline level’ means
13 the dollar allowance in the poverty guideline for ad-
14 ditional family members in the largest households,
15 as established by the Department of Health and
16 Human Services.”.

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