

106TH CONGRESS
1ST SESSION

S. 175

To repeal the habeas corpus requirement that a Federal court defer to State court judgments and uphold a conviction regardless of whether the Federal court believes that the State court erroneously interpreted constitutional law, except in cases where the Federal court believes the State court acted in an unreasonable manner.

IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

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

A BILL

To repeal the habeas corpus requirement that a Federal court defer to State court judgments and uphold a conviction regardless of whether the Federal court believes that the State court erroneously interpreted constitutional law, except in cases where the Federal court believes the State court acted in an unreasonable manner.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. REPEAL OF THE REQUIREMENT THAT A FED-**
2 **ERAL COURT DEFER TO A STATE COURT UN-**
3 **LESS THE STATE COURT ACTED IN AN UN-**
4 **REASONABLE MANNER IN HABEAS CORPUS**
5 **CASES.**

6 (a) REPEAL.—Subsection (d) of section 2254 of title
7 28, United States Code, is repealed.

8 (b) CONFORMING AMENDMENT.—Section 2264(b) of
9 title 28, United States Code, is amended by striking “,
10 (d),”.

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