

Bob Dole



**NEWS
FROM:**

**U.S. SENATOR FOR KANSAS
SENATE REPUBLICAN LEADER**

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PRISON LITIGATION REFORM ACT

DOLE PROVISION CRACKING DOWN ON FRIVOLOUS INMATE LAWSUITS INCLUDED IN OMNIBUS APPROPRIATIONS BILL

I am pleased that after being vetoed once by President Clinton, my prisoner litigation reform measures co-sponsored by Senator Abraham, Kyl, and Hatch were signed into law last night.

Prisons Should Be Prisons - Not Law Firms

Prisons should be just that: prisons, not law firms. Frivolous lawsuits by prisoners can involve such grievances as insufficient storage locker space, a defective haircut by a prison barber, the failure of prison officials to invite a prisoner to a pizza party for a departing prison employee, and yes, being served creamy peanut butter instead of the chunky variety.

The time and money -- estimated at \$81 million each year in the State -- spent defending these cases are clearly time and money better spent prosecuting violent criminals, fighting illegal drugs, or cracking down on consumer fraud. That is why I have fought for these reforms -- enacted now as part of the Omnibus Appropriations FY 1996 legislation -- that would dramatically reduce the number of meritless prisoner lawsuits.

-- The legislation requires inmates who file lawsuits to pay the full amount of their court fees and other costs. The act establishes a garnishment procedure if a prisoner is unable to fully pay court fees and other costs at the time of filing a lawsuit.

-- The legislation allows a Federal judge to immediately dismiss a complaint if either of two conditions is met: First, the complaint does not state a claim upon which relief may be granted, or second, the defendant is immune from suit.

-- The act also allows Federal courts to revoke any good-time credits accumulated by a prisoner who files a frivolous suit. It requires State prisoners to exhaust all administrative remedies before filing a lawsuit in Federal court. And it prohibits prisoners from suing the government for mental or emotional injury, absent a prior showing of physical injury.

-- The act establishes tough new guidelines for Federal courts when evaluating legal challenges to prison conditions. These guidelines will work to restrain liberal Federal judges who see violations on constitutional rights in every prisoner complaint and who have used these complaints to micromanage State and local prison systems.

Slam Shut the Revolving Door

Perhaps the most pernicious form of judicial micromanagement is the so-called prison population cap. In 1993, for example, the State of Florida put 20,000 prisoners on early release because of a prison cap order issued by a Federal judge who thought the Florida system was overcrowded and thereby inflicted cruel and unusual punishment on the State's prisoners.

And, then, there's the case of Philadelphia, where a Judge Norma Shapiro ordered a prison cap that has put thousands of violent criminals back on the city's streets, often with disastrous consequences. By establishing tough new conditions that a Federal court must meet before issuing a prison cap order, this legislation will help slam shut the revolving prison door.

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