

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.

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

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.

○