

HR 3650 EH

109th CONGRESS

1st Session

H. R. 3650

AN ACT

To allow United States courts to conduct business during emergency conditions, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Federal Judiciary Emergency Special Sessions Act of 2005'.

SEC. 2. EMERGENCY AUTHORITY TO CONDUCT COURT PROCEEDINGS OUTSIDE THE TERRITORIAL JURISDICTION OF THE COURT.

(a) Circuit Courts- Section 48 of title 28, United States Code, is amended by adding at the end the following:

`(e) Each court of appeals may hold special sessions at any place within the United States outside the circuit as the nature of the business may require and upon such notice as the court orders, upon a finding by either the chief judge of the court of appeals (or, if the chief judge is unavailable, the most senior available active judge of the court of appeals) or the judicial council of the circuit that, because of emergency conditions, no location within the circuit is reasonably available where such special sessions could be held. The court may transact any business at a special session outside the circuit which it might transact at a regular session.

`(f) If a court of appeals issues an order exercising its authority under subsection (e), the court--

`(1) through the Administrative Office of the United States Courts, shall--

`(A) send notice of such order, including the reasons for the issuance of such order,

to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives; and

`(B) not later than 180 days after the expiration of such court order submit a brief report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives describing the impact of such order, including--

`(i) the reasons for the issuance of such order;

`(ii) the duration of such order;

`(iii) the impact of such order on litigants; and

`(iv) the costs to the judiciary resulting from such order; and

`(2) shall provide reasonable notice to the United States Marshals Service before the commencement of any special session held pursuant to such order.'

(b) District Courts- Section 141 of title 28, United States Code, is amended--

(1) by inserting `(a)(1)' before `Special';

(2) by inserting `(2)' before `Any'; and

(3) by adding at the end the following:

`(b)(1) Special sessions of the district court may be held at such places within the United States outside the district as the nature of the business may require and upon such notice as the court orders, upon a finding by either the chief judge of the district court (or, if the chief judge is unavailable, the most senior available active judge of the district court) or the judicial council of the circuit that, because of emergency conditions, no location within the district is reasonably available where such special sessions could be held.

`(2) Pursuant to this subsection, any business which may be transacted at a regular session of a district court may be transacted at a special session conducted outside the district, except that a criminal trial may not be conducted at a special session outside the State in which the crime has been committed unless the defendant consents to such a criminal trial.

`(3) Notwithstanding any other provision of law, in any case in which special sessions are conducted pursuant to this section, the district court may summon jurors--

`(A) in civil proceedings, from any part of the district in which the court ordinarily conducts business or the district in which it is holding a special session; and

`(B) in criminal trials, from any part of the district in which the crime has been committed and, if the defendant so consents, from any district in which the court is conducting business pursuant to this section.

`(4) If a district court issues an order exercising its authority under paragraph (1), the court--

`(A) through the Administrative Office of the United States Courts, shall--

`(i) send notice of such order, including the reasons for the issuance of such order, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives; and

`(ii) not later than 180 days after the expiration of such court order submit a brief report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives describing the impact of such order, including--

`(I) the reasons for the issuance of such order;

`(II) the duration of such order;

`(III) the impact of such order on litigants; and

`(IV) the costs to the judiciary resulting from such order; and

`(B) shall provide reasonable notice to the United States Marshals Service before the commencement of any special session held pursuant to such order.'

(c) Bankruptcy Courts- Section 152(c) of title 28, United States Code, is amended--

(1) by inserting `(1)' after `(c)';

(2) by adding at the end the following:

`(2)(A) Bankruptcy judges may hold court at such places within the United States outside the judicial district as the nature of the business of the court may require, and upon such notice as the court orders, upon a finding by either the chief judge of the bankruptcy court (or, if the chief judge is unavailable, the most senior available bankruptcy judge) or by the judicial council of the

circuit that, because of emergency conditions, no location within the district is reasonably available where the bankruptcy judges could hold court.

`(B) Bankruptcy judges may transact any business at special sessions of court held outside the district pursuant to this paragraph that might be transacted at a regular session.

`(C) If a bankruptcy court issues an order exercising its authority under subparagraph (A), the court--

`(i) through the Administrative Office of the United States Courts, shall--

`(I) send notice of such order, including the reasons for the issuance of such order, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives; and

`(II) not later than 180 days after the expiration of such court order submit a brief report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives describing the impact of such order, including--

`(aa) the reasons for the issuance of such order;

`(bb) the duration of such order;

`(cc) the impact of such order on litigants; and

`(dd) the costs to the judiciary resulting from such order; and

`(ii) shall provide reasonable notice to the United States Marshals Service before the commencement of any special session held pursuant to such order.'

(d) United States Magistrate Judges- Section 636 of title 28, United States Code, is amended in subsection (a) by striking 'territorial jurisdiction prescribed by his appointment--' and inserting 'district in which sessions are held by the court that appointed the magistrate judge, at other places where that court may function, and elsewhere as authorized by law--'.

Passed the House of Representatives September 7, 2005.

Attest:

Clerk.

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END