

Public Law 110–406
110th Congress

An Act

To make improvements in the operation and administration of the Federal courts,
and for other purposes.

Oct. 13, 2008
[S. 3569]

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Judicial Administration and Technical Amendments Act of 2008”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Change in composition of divisions of western district of Tennessee.
- Sec. 3. Supplemental attendance fee for petit jurors serving on lengthy trials.
- Sec. 4. Authority of district courts as to a jury summons.
- Sec. 5. Public drawing specifications for jury wheels.
- Sec. 6. Assessment of court technology costs.
- Sec. 7. Repeal of obsolete provision in the bankruptcy code relating to certain dollar amounts.
- Sec. 8. Investment of court registry funds.
- Sec. 9. Magistrate judge participation at circuit conferences.
- Sec. 10. Selection of chief pretrial services officers.
- Sec. 11. Attorney case compensation maximum amounts.
- Sec. 12. Expanded delegation authority for reviewing Criminal Justice Act vouchers in excess of case compensation maximums.
- Sec. 13. Repeal of obsolete cross-references to the Narcotic Addict Rehabilitation Act.
- Sec. 14. Conditions of probation and supervised release.
- Sec. 15. Contracting for services for pretrial defendants and post-conviction supervision offenders.
- Sec. 16. Judge members of U.S. Sentencing Commission.
- Sec. 17. Penalty for failure to appear for jury summons.
- Sec. 18. Place of holding court for the District of Minnesota.
- Sec. 19. Penalty for employers who retaliate against employees serving on jury duty.

SEC. 2. CHANGE IN COMPOSITION OF DIVISIONS OF WESTERN DISTRICT OF TENNESSEE.

(a) **IN GENERAL.**—Section 123(c) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting “Dyer,” after “Decatur,”; and

(B) in the last sentence by inserting “and Dyersburg” after “Jackson”; and

(2) in paragraph (2)—

(A) by striking “Dyer,”; and

(B) in the second sentence, by striking “and Dyersburg”.

(b) **EFFECTIVE DATE.**—

Judicial
Administration
and Technical
Amendments Act
of 2008.
28 USC 1 note.

28 USC 123 note.

(1) **IN GENERAL.**—The amendments made by this section shall take effect on the date of enactment of this Act.

(2) **PENDING CASES NOT AFFECTED.**—The amendments made by this section shall not affect any action commenced before the effective date of this section and pending in the United States District Court for the Western District of Tennessee on such date.

(3) **JURIES NOT AFFECTED.**—The amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving in the United States District Court for the Western District of Tennessee on the effective date of this section.

SEC. 3. SUPPLEMENTAL ATTENDANCE FEE FOR PETIT JURORS SERVING ON LENGTHY TRIALS.

(a) **IN GENERAL.**—Section 1871(b)(2) of title 28, United States Code, is amended by striking “thirty” in each place it occurs and inserting “ten”.

28 USC 1871
note.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2009.

SEC. 4. AUTHORITY OF DISTRICT COURTS AS TO A JURY SUMMONS.

Section 1866(g) of title 28, United States Code, is amended in the first sentence—

- (1) by striking “shall” and inserting “may”; and
- (2) by striking “his”.

SEC. 5. PUBLIC DRAWING SPECIFICATIONS FOR JURY WHEELS.

(a) **DRAWING OF NAMES FROM JURY WHEEL.**—Section 1864(a) of title 28, United States Code, is amended—

- (1) in the first sentence, by striking “publicly”; and

(2) by inserting “The clerk or jury commission shall post a general notice for public review in the clerk’s office and on the court’s website explaining the process by which names are periodically and randomly drawn.” after the first sentence.

(b) **SELECTION AND SUMMONING OF JURY PANELS.**—Section 1866(a) of title 28, United States Code, is amended—

- (1) in the second sentence, by striking “publicly”; and

(2) by inserting “The clerk or jury commission shall post a general notice for public review in the clerk’s office and on the court’s website explaining the process by which names are periodically and randomly drawn.” after the second sentence.

(c) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 1869 of title 28, United States Code, is amended—

- (1) in subsection (j), by adding “and” at the end;
- (2) by striking subsection (k); and
- (3) by redesignating subsection (l) as subsection (k).

SEC. 6. ASSESSMENT OF COURT TECHNOLOGY COSTS.

Section 1920 of title 28, United States Code, is amended—

(1) in paragraph (2), by striking “of the court reporter for all or any part of the stenographic transcript” and inserting “for printed or electronically recorded transcripts”; and

(2) in paragraph (4), by striking “copies of papers” and inserting “the costs of making copies of any materials where the copies are”.

SEC. 7. REPEAL OF OBSOLETE PROVISION IN THE BANKRUPTCY CODE RELATING TO CERTAIN DOLLAR AMOUNTS.

Section 104 of title 11, United States Code, is amended—

- (1) by striking subsection (a);
 - (2) by redesignating subsection (b)(1) as subsection (a) and subparagraphs (A) and (B) of that subsection as paragraphs (1) and (2), respectively;
 - (3) by redesignating subsection (b)(2) as subsection (b);
 - (4) by redesignating subsection (b)(3) as subsection (c);
- and
- (5) in subsection (c) (as redesignated by paragraph (4) of this section), by striking “paragraph (1)” and inserting “subsection (a)”.

SEC. 8. INVESTMENT OF COURT REGISTRY FUNDS.

(a) IN GENERAL.—Chapter 129 of title 28, United States Code, is amended by inserting after section 2044 the following:

“§ 2045. Investment of court registry funds

“(a) The Director of the Administrative Office of the United States Courts, or the Director’s designee under subsection (b), may request the Secretary of the Treasury to invest funds received under section 2041 in public debt securities with maturities suitable to the needs of the funds, as determined by the Director or the Director’s designee, and bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

“(b) The Director may designate the clerk of a court described in section 610 to exercise the authority conferred by subsection (a).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 129 of title 28, United States Code, is amended by adding at the end the following:

“2045. Investment of court registry funds.”.

SEC. 9. MAGISTRATE JUDGE PARTICIPATION AT CIRCUIT CONFERENCES.

Section 333 of title 28, United States Code, is amended in the first sentence by inserting “magistrate,” after “district,”.

SEC. 10. SELECTION OF CHIEF PRETRIAL SERVICES OFFICERS.

Section 3152 of title 18, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) The pretrial services established under subsection (b) of this section shall be supervised by a chief pretrial services officer appointed by the district court. The chief pretrial services officer appointed under this subsection shall be an individual other than one serving under authority of section 3602 of this title.”.

SEC. 11. ATTORNEY CASE COMPENSATION MAXIMUM AMOUNTS.

Section 3006A(d)(2) of title 18, United States Code, is amended by adding “The compensation maximum amounts provided in this paragraph shall increase simultaneously by the same percentage, rounded to the nearest multiple of \$100, as the aggregate percentage increases in the maximum hourly compensation rate paid pursuant

to paragraph (1) for time expended since the case maximum amounts were last adjusted.” at the end.

SEC. 12. EXPANDED DELEGATION AUTHORITY FOR REVIEWING CRIMINAL JUSTICE ACT VOUCHERS IN EXCESS OF CASE COMPENSATION MAXIMUMS.

(a) **WAIVING MAXIMUM AMOUNTS.**—Section 3006A(d)(3) of title 18, United States Code, is amended in the second sentence by inserting “or senior” after “active”.

(b) **SERVICES OTHER THAN COUNSEL.**—Section 3006A(e)(3) of title 18, United States Code, is amended in the second sentence by inserting “or senior” after “active”.

(c) **COUNSEL FOR FINANCIALLY UNABLE DEFENDANTS.**—Section 3599(g)(2) of title 18, United States Code, is amended in the second sentence by inserting “or senior” after “active”.

SEC. 13. REPEAL OF OBSOLETE CROSS-REFERENCES TO THE NARCOTIC ADDICT REHABILITATION ACT.

Section 3161(h) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (B) and (C); and

(B) by redesignating subparagraphs (D) through (J) as subparagraphs (B) through (H), respectively;

(2) by striking paragraph (5); and

(3) by redesignating paragraphs (6) through (9) as paragraphs (5) through (8), respectively.

SEC. 14. CONDITIONS OF PROBATION AND SUPERVISED RELEASE.

(a) **CONDITIONS OF PROBATION.**—Section 3563(a)(2) of title 18, United States Code, is amended by striking “(b)(2), (b)(3), or (b)(13),” and inserting “(b)(2) or (b)(12), unless the court has imposed a fine under this chapter, or”.

(b) **SUPERVISED RELEASE AFTER IMPRISONMENT.**—Section 3583(d) of title 18, United States Code, is amended by striking “section 3563(b)(1)” and all that follows through “appropriate.” and inserting “section 3563(b) and any other condition it considers to be appropriate, provided, however that a condition set forth in subsection 3563(b)(10) shall be imposed only for a violation of a condition of supervised release in accordance with section 3583(e)(2) and only when facilities are available.”.

(c) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 3563(b)(10) of title 18, United States Code, is amended by inserting “or supervised release” after “probation”.

SEC. 15. CONTRACTING FOR SERVICES FOR PRETRIAL DEFENDANTS AND POST-CONVICTION SUPERVISION OFFENDERS.

(a) **PRETRIAL SERVICE FUNCTIONS.**—Section 3154(4) of title 18, United States Code, is amended by inserting “, and contract with any appropriate public or private agency or person, or expend funds, to monitor and provide treatment as well as nontreatment services to any such persons released in the community, including equipment and emergency housing, corrective and preventative guidance and training, and other services reasonably deemed necessary to protect the public and ensure that such persons appear in court as required” before the period.

(b) **DUTIES OF DIRECTOR OF ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.**—Section 3672 of title 18, United States Code, is amended in the seventh undesignated paragraph—

(1) in the third sentence, by striking “negotiate and award such contracts” and inserting “negotiate and award contracts identified in this paragraph”; and

(2) in the fourth sentence, by inserting “to expend funds or” after “He shall also have the authority”.

SEC. 16. JUDGE MEMBERS OF U.S. SENTENCING COMMISSION.

Section 991(a) of title 28, United States Code, is amended in the third sentence by striking “Not more than” and inserting “At least”.

SEC. 17. PENALTY FOR FAILURE TO APPEAR FOR JURY SUMMONS.

(a) SECTION 1864 SUMMONS.—Section 1864(b) of title 28, United States Code, is amended by striking “\$100 or imprisoned not more than three days, or both.” each place it appears and inserting “\$1,000, imprisoned not more than three days, ordered to perform community service, or any combination thereof.”.

(b) SECTION 1866 SUMMONS.—Section 1866(g) of title 28, United States Code, is amended by striking “\$100 or imprisoned not more than three days, or both.” and inserting “\$1,000, imprisoned not more than three days, ordered to perform community service, or any combination thereof.”.

SEC. 18. PLACE OF HOLDING COURT FOR THE DISTRICT OF MINNESOTA.

Section 103(6) of title 28, United States Code, is amended in the second sentence by inserting “and Bemidji” before the period.

SEC. 19. PENALTY FOR EMPLOYERS WHO RETALIATE AGAINST EMPLOYEES SERVING ON JURY DUTY.

Section 1875(b)(3) of title 28, United States Code, is amended by striking “\$1,000 for each violation as to each employee.” and inserting “\$5,000 for each violation as to each employee, and may be ordered to perform community service.”.

Approved October 13, 2008.

LEGISLATIVE HISTORY—S. 3569:

CONGRESSIONAL RECORD, Vol. 154 (2008):

Sept. 27, considered and passed Senate and House.