

117TH CONGRESS
1ST SESSION

S. 3271

To amend title 18, United States Code, to provide for transportation and subsistence for criminal justice defendants, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 29, 2021

Mr. DURBIN (for himself and Ms. COLLINS) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide for transportation and subsistence for criminal justice defendants, and for other purposes.

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 “Criminal Judicial Ad-
5 ministration Act of 2021”.

6 **SEC. 2. TRANSPORTATION AND SUBSISTENCE FOR CRIMI-**
7 **NAL JUSTICE ACT DEFENDANTS.**

8 Section 4285 of title 18, United States Code, is
9 amended in the first sentence—

1 (1) by striking “when the interests of justice
2 would be served thereby and the United States judge
3 or magistrate judge is satisfied, after appropriate in-
4 quiry, that the defendant is financially unable to
5 provide the necessary transportation to appear be-
6 fore the required court on his own” and inserting
7 “when the United States judge or magistrate judge
8 is satisfied that the defendant is indigent based on
9 appointment of counsel pursuant to section 3006A,
10 or, after appropriate inquiry, that the defendant is
11 financially unable to provide necessary transpor-
12 tation on his own”;

13 (2) by striking “to the place where his appear-
14 ance is required,” and inserting “(1) to the place
15 where each appearance is required and (2) to return
16 to the place of the person’s arrest or bona fide resi-
17 dence,”; and

18 (3) by striking “to his destination,” and insert-
19 ing “which includes money for both lodging and
20 food, during travel to the person’s destination and
21 during any proceeding at which the person’s appear-
22 ance is required”.

1 **SEC. 3. EFFECTIVE USE OF MAGISTRATE JUDGES TO DE-**
 2 **CIDE POSTJUDGMENT MOTIONS.**

3 Section 3401 of title 18, United States Code, is
 4 amended—

5 (1) in subsection (b)—

6 (A) in the second sentence, by striking
 7 “and” after “trial, judgment,”;

8 (B) in the second sentence, by inserting “,
 9 and rulings on all post-judgment motions” after
 10 “sentencing”;

11 (C) in the third sentence, by striking
 12 “and” after “trial, judgment,”; and

13 (D) in the third sentence, by inserting “,
 14 and rulings on all post-judgment motions” after
 15 “sentencing”;

16 (2) in subsection (c), by striking “, with the ap-
 17 proval of a judge of the district court,”; and

18 (3) by inserting after subsection (i) the fol-
 19 lowing:

20 “(j) A magistrate judge who exercises trial jurisdic-
 21 tion under this section, in either a petty offense case or
 22 a misdemeanor case in which the defendant has consented
 23 to a magistrate judge, may also rule on all post-judgment
 24 motions in that case, including but not limited to petitions
 25 for writs of habeas corpus, writs of coram nobis, motions
 26 to vacate a sentence under section 2255 of title 28, and

- 1 motions related to mental competency under chapter 313
- 2 of this title.”.

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