CIVIL RIGHTS—RIGHTS OF INSTITUTIONALIZED PERSONS—CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT—42 U.S.C. §§ 1997-1997j (1980).

The Civil Rights of Institutionalized Persons Act reaffirms the civil rights of all institutionalized persons and establishes a process for the redress of all grievances stemming from violations of those civil rights. Congress' intent is to eliminate the deplorable conditions of the institutions which fall within the scope of the Act through the good faith efforts of federal, state and local governments, and through litigation, if necessary.

The Act affects those institutions which are owned, operated, managed by or provide services to any state, or political subdivision of any state. Privately owned and operated facilities are not included if their only connection with the state is either a state-issued license and/or receipt of state funds under Title XVI or XVIII or under a state plan approved under Title XIX of the Social Security Act.

Persons covered by the act are the mentally ill, disabled, retarded, chronically ill, and handicapped; those in jails, prisons, and correctional facilities and pretrial detention centers; juveniles; and those receiving skilled nursing care in intermediate and longterm care facilities or custodial or residential care.

Under this act, the Attorney General of the United States may either institute or intervene in a civil action for equitable relief in the appropriate United States district court whenever he has reason to believe that any institutionalized person is intentionally being deprived of his or her constitutional or legal rights.

Before the Attorney General can take legal action, however, he must certify that he has notified both the chief legal officer of the state involved and the director of the institution of his intention to investigate the alleged conditions, that he has made reasonable efforts to consult with these persons, that he has offered assistance needed to correct the pattern or practice of deprivation, and that these reasonable efforts to promote voluntary correction have not succeeded.

Any adult convicted of a crime may be required to exhaust any administrative remedies sought under 42 U.S.C. § 1983 unless the Attorney General determines that these administrative remedies are not in substantial compliance with the minimum standards for plain, speedy and effective resolution of grievances.

These minimum standards shall provde, *inter alia*, advisory roles for employees and inmates in establishing this system, priority processing for emergency grievances, protection against reprisals for grievant, and independent review of grievances by someone not under the direct supervision of the institution.

This Act further requires that the Attorney General include in his report to Congress an analysis of the impact of the actions instituted and progress made in each federal institution toward meeting promulgated standards. It also provides that no one reporting conditions which may be a violation of this act shall be subjected to retaliation.

—Moira Sullivan

CRIMINAL PROCEDURE—SPEEDY TRIAL ACT AMENDMENTS ACT OF 1979, 18 U.S.C. §§ 3161-3174 (West 1980)

On August 2, 1979, Congress approved the Speedy Trial Act Amendments Act of 1979. This law, which amends the Speedy Trial Act of 1974 (18 U.S.C. §§ 3152-3156, 3161-3174), states that in any case in which a plea of not guilty is entered, the trial of a defendant, who is charged by information or indictment, must commence within seventy days from the filing of the information or indictment, or from the date on which the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs. In addition, if a defendant consents in writing to be tried before a magistrate on a complaint, the trial must commence within seventy days from the date of such consent.

The Amendment further states that unless the defendant consents in writing to the contrary, the trial must not commence less than thirty days from the date on which the defendant first appears through counsel or expressly waives counsel and elects to proceed *pro se*. It is important to note that the Act does consider cases in which the number of defendants makes the case so unusual or complex or presents novel questions of fact or law as to make it unreasonable to expect adequate preparation for trial within the time limits established above.

Persons detained or designated as being of high risk are accorded priority. Examples of such cases involve a detained person who is being held in detention solely because he is awaiting trial and a released person who is awaiting trial and has been designated by the attorney for the government as being of high risk. The trial of these persons is to commence no later than