

HR 1334

Protection of Incapacitated Persons Act of 2005

Congress: 109 (2005–2007, Ended)

Chamber: House

Policy Area: Law

Introduced: Mar 16, 2005

Current Status: Rules Committee Resolution H. Res. 162 Reported to House. Rule provides for consideration of H.R. 13

Latest Action: Rules Committee Resolution H. Res. 162 Reported to House. Rule provides for consideration of H.R. 1334 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Bill is closed to amendments. (Mar 16, 2005)

Official Text: <https://www.congress.gov/bill/109th-congress/house-bill/1334>

Sponsor

Name: Rep. Sensenbrenner, F. James, Jr. [R-WI-5]

Party: Republican • **State:** WI • **Chamber:** House

Cosponsors (13 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Bachus, Spencer [R-AL-6]	R · AL		Mar 16, 2005
Rep. Cannon, Chris [R-UT-3]	R · UT		Mar 16, 2005
Rep. Chabot, Steve [R-OH-1]	R · OH		Mar 16, 2005
Rep. DeLay, Tom [R-TX-22]	R · TX		Mar 16, 2005
Rep. Feeney, Tom [R-FL-24]	R · FL		Mar 16, 2005
Rep. Franks, Trent [R-AZ-2]	R · AZ		Mar 16, 2005
Rep. Hostettler, John N. [R-IN-8]	R · IN		Mar 16, 2005
Rep. Jenkins, William L. [R-TN-1]	R · TN		Mar 16, 2005
Rep. Keller, Ric [R-FL-8]	R · FL		Mar 16, 2005
Rep. King, Steve [R-IA-5]	R · IA		Mar 16, 2005
Rep. Lungren, Daniel E. [R-CA-3]	R · CA		Mar 16, 2005
Rep. Pence, Mike [R-IN-6]	R · IN		Mar 16, 2005
Rep. Weldon, Dave [R-FL-15]	R · FL		Mar 16, 2005

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Referred To	Mar 17, 2005

Subjects & Policy Tags

Policy Area:

Law

Related Bills

Bill	Relationship	Last Action
109 HRES 162	Procedurally related	Jun 29, 2006: Pursuant to the provisions of H. Res. 897, H. Res. 162 is laid on the table.
109 S 686	Related bill	Mar 21, 2005: Became Public Law No: 109-3.
109 HR 1332	Related bill	Mar 20, 2005: Read twice and referred to the Committee on the Judiciary.
109 S 539	Related bill	Mar 8, 2005: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 34.

Summary (as of Mar 16, 2005)

Protection of Incapacitated Persons Act of 2005 - Amends the Federal judicial code to authorize an incapacitated person (person), or the person's next friend, to remove to the U.S. district court, for the district in which it arose or was heard, within 30 days after available State remedies have been exhausted, any claim or cause of action in which the State court authorizes or directs the withholding or withdrawal of food or fluids or medical treatment necessary to sustain the person's life.

Defines: (1) incapacitated person as a born individual presently incapable of making relevant decisions concerning the provision, withholding, or withdrawal of food, fluids or medical treatment under applicable law; and (2) next friend as an individual who has some significant relationship with the real party in interest, including a parent.

Exempts from such removal authority any claim or cause of action in which no party disputes, and the court finds, that the incapacitated person, while having capacity, had executed a written advance directive valid under applicable law that clearly authorized the withholding or withdrawal of food or fluids or medical treatment in the applicable circumstances.

Requires the U.S. district court, in hearing and determining such a claim or cause of action removed under this Act, to consider only whether authorizing or directing the withholding or withdrawal of food or fluids or medical treatment necessary to sustain the person's life constitutes a deprivation of any right, privilege, or immunity secured by the Constitution or laws of the United States.

Declares that: (1) the court shall determine any such claim or cause of action de novo; and (2) no bar or limitation based on abstention, res judicata, collateral estoppel, procedural default, or any other doctrine of issue or claim preclusion shall apply.

Actions Timeline

- **Mar 16, 2005:** Introduced in House
- **Mar 16, 2005:** Introduced in House
- **Mar 16, 2005:** Referred to the House Committee on the Judiciary.
- **Mar 16, 2005:** Rules Committee Resolution H. Res. 162 Reported to House. Rule provides for consideration of H.R. 1334 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Bill is closed to amendments.