

## Coalition for Prisoners Rights Newsletter

P.O. Box 1911  
Santa Fe, New Mexico 87504-1911

The C.P.R. has been publishing their Newsletter for 36 years. In June 2009 they could no longer mail the monthly newsletter to their 9,100 subscribers. The Real Cost of Prisons is posting their monthly newsletter on their website, and they encourage you to download the newsletter and mail to loved ones inside. To order a copy, prisoners can send a self-addressed stamped envelope for each issue, with C.P.R. as return address. You may send up to 12 self-addressed stamped envelopes to receive more than one copy.

[www.realcostofprisons.org](http://www.realcostofprisons.org)

## Disability concerns?

Any lifer with disability accommodation concerns (especially those with developmental, learning, vision, hearing, or mobility disabilities) can write to:

Prison Law Office  
General Delivery  
San Quentin, CA 94964

They will see if they can help. If the person cannot write to them, other prisoners (such as a lifer support group) can send the contact information of the inmate and PLO will try to see him/her.

## Cornell University Law School Legal Information Institute (LII)

### Title 42, § 12102

§ 12102

### § 12102. DEFINITION OF DISABILITY

As used in this chapter:

#### (1) Disability

The term "disability" means, with respect to an individual—

- (A) a physical or mental impairment that substantially limits one or more major life activities of such individual;
- (B) a record of such an impairment; or
- (C) being regarded as having such an impairment (as described in paragraph (3)).

#### (2) Major life activities

##### (A) In general

For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hear-

ing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

#### (B) Major bodily functions

For purposes of paragraph (1), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

#### (3) Regarded as having such an impairment

For purposes of paragraph (1)(C):

(A) An individual meets the requirement of "being regarded as having such an impairment" if the individual establishes that he or she has been subjected to an action prohibited under this chapter because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

(B) Paragraph (1)(C) shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

#### (4) Rules of construction regarding the definition of disability

The definition of "disability" in paragraph (1) shall be construed in accordance with the following:

- (A) The definition of disability in this chapter shall be construed in favor of broad coverage of individuals under this chapter, to the maximum extent permitted by the terms of this chapter.
- (B) The term "substantially limits" shall be interpreted consistently with the findings and purposes of the ADA Amendments Act of 2008.
- (C) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.
- (D) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

#### (E)

(i) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as—

- (I) medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
- (II) use of assistive technology;
- (III) reasonable accommodations or auxiliary aids or services; or
- (IV) learned behavioral or adaptive neurological modifications.

(ii) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining

whether an impairment substantially limits a major life activity.

(iii) As used in this subparagraph—

(I) the term "ordinary eyeglasses or contact lenses" means lenses that are intended to fully correct visual acuity or eliminate refractive error; and

(II) the term "low-vision devices" means devices that magnify, enhance, or otherwise augment a visual image.

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§ 12103

### § 12103. ADDITIONAL DEFINITIONS

As used in this chapter:

#### (1) Auxiliary aids and services

The term "auxiliary aids and services" includes—

- (A) qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
- (B) qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(C) acquisition or modification of equipment or devices; and

(D) other similar services and actions.

#### (2) State

The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands."

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Updates to this section of the United States Code

Title 42 > Chapter 126 > Section 12102  
§ 12102. Definition of disability

Title 42 of the US Code as currently published by the US Government reflects the laws passed by Congress as of Jan. 7, 2011, and it is this version that is published here.

However, the long codification process by The office of the Law Revision Counsel (LRC) starts very quickly after any new legislation with "classification" to corresponding US Code sections. They put these in "Classification Tables" and make them available to us all at <http://uscode.house.gov/classification/tables.shtml>