

Stricken language would be deleted from present law. Underlined language would be added to present law.

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State of Arkansas
81st General Assembly
Regular Session, 1996
By: Senator Bradford

A Bill

ACT 937 OF 1997
SENATE BILL 616

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 25-15-211 TO PROVIDE THAT CRIMINAL OFFENDERS IN STATE CRIMINAL DETENTION FACILITIES MUST EXHAUST THEIR ADMINISTRATIVE REMEDIES UNDER THE DEPARTMENT OF CORRECTION GRIEVANCE PROCEDURE AS A CONDITION OF FILING A COMPLAINT WITH ANY STATE LICENSING BOARD; AND FOR OTHER PURPOSES."

Subtitle

"AN ACT RELATING TO COMPLAINTS FILED WITH STATE LICENSING BOARDS BY INMATES IN STATE CRIMINAL DETENTION FACILITIES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 25-15-211 is amended by adding a new subdivision to read as follows:

"(d)(1) A complaint filed by an offender with a state licensing board or state licensing agency against a licensee of the board or agency shall not be heard by the board or agency unless the complaint is accompanied by appropriately verified documentation showing that the offender has exhausted all administrative remedies under the Department of Correction grievance procedure.

(2) For purposes of this section, offender means any person sentenced to the Department of Correction or sentenced to the Department of Correction for judicial transfer to the Department of Community Punishment or any person confined in a community punishment center as a condition of probation, suspended imposition of sentence or post prison transfer."

1 SECTION 2. All provisions of this act of a general and permanent
2 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
3 Code Revision Commission shall incorporate the same in the Code.

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5 SECTION 3. If any provision of this act or the application thereof to
6 any person or circumstance is held invalid, such invalidity shall not affect
7 other provisions or applications of the act which can be given effect without
8 the invalid provision or application, and to this end the provisions of this
9 act are declared to be severable.

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11 SECTION 4. All laws and parts of laws in conflict with this act are
12 hereby repealed.

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14 SECTION 5. EMERGENCY. It is hereby found and determined by the General
15 Assembly that under current law any person may file a complaint with a state
16 occupational or professional licensing board concerning a licensee of the
17 board; that inmates of the Department of Correction are currently permitted to
18 file such complaints without having exhausted their remedies under the
19 Department of Correction grievance process; that the inmates have filed
20 numerous complaints that have not been substantiated and have resulted in an
21 unnecessary waste of time by certain state licensing boards and substantial
22 cost to the taxpayers of the state; and that the law should be amended
23 immediately to require inmates of the Department of Correction to exhaust
24 their remedies under the Department grievance process before filing complaints
25 with state licensing boards. Therefore an emergency is hereby declared to
26 exist and this act being necessary for the preservation of the public peace,
27 health and safety shall become effective on the date of its approval by the
28 Governor. If the bill is neither approved nor vetoed by the Governor, it
29 shall become effective on the expiration of the period of time during which
30 the Governor may veto the bill. If the bill is vetoed by the Governor and the
31 veto is overridden, it shall become effective on the date the last house
32 overrides the veto.

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APPROVED:3-31-97