

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: S3/23/17

A Bill

SENATE BILL 563

5 By: Senator T. Garner
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For An Act To Be Entitled

8 AN ACT CONCERNING THE FILING OF MULTIPLE FRIVOLOUS
9 LAWSUITS BY INMATES IN THE DEPARTMENT OF CORRECTION;
10 AND FOR OTHER PURPOSES.
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Subtitle

12
13 CONCERNING THE FILING OF MULTIPLE
14 FRIVOLOUS LAWSUITS BY INMATES IN THE
15 DEPARTMENT OF CORRECTION.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 16-68-607 is amended to read as follows:
22 16-68-607. Multiple lawsuits.

23 (a)(1) As used in this section, "civil action or proceeding" includes
24 without limitation a legal action filed in federal or state court.

25 (2) A "civil action or proceeding" does not include:

26 (a) A petition for writ of habeas corpus;

27 (b) A petition for writ of error coram nobis; or

28 (c) A petition for relief under Rule 37 of the Arkansas
29 Rules of Criminal Procedure.

30 ~~In no event shall an incarcerated person bring a civil action or appeal~~
31 ~~a judgment in a civil action or proceeding under the Arkansas indigency~~
32 ~~statutes if the incarcerated person has on three (3) or more prior occasions,~~
33 ~~while incarcerated or detained in any facility, brought an action that is~~
34 ~~frivolous, malicious, or fails to state a claim upon which relief may be~~
35 ~~granted, unless the incarcerated person is under imminent danger of serious~~
36 ~~physical injury.~~



1 (b) Unless the incarcerated person is under imminent danger of serious
2 physical injury, an incarcerated person may not bring a civil action or
3 appeal a judgment in a civil action or proceeding under the Arkansas
4 indigency statutes if, on three (3) or more prior occasions while
5 incarcerated or detained in any facility, the incarcerated person brought an
6 action that was determined by a court to:

7 (1) Be frivolous or malicious; or

8 (2) Fail to state a claim upon which relief may be granted.

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10 */s/T. Garner*

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13 **APPROVED: 04/07/2017**
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