

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S1/28/19
A Bill

SENATE BILL 116

5 By: Senator B. Ballinger
6

7 **For An Act To Be Entitled**

8 AN ACT REQUIRING AN INMATE IN THE DEPARTMENT OF
9 CORRECTION TO FIRST EXHAUST ALL AVAILABLE
10 ADMINISTRATIVE REMEDIES AS A CONDITION PRECEDENT TO
11 FILING A CLAIM UNDER THE ARKANSAS CIVIL RIGHTS ACT OF
12 1993 OR ANY OTHER STATE LAW CONCERNING PRISON
13 CONDITIONS; AND FOR OTHER PURPOSES.
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16 **Subtitle**

17 REQUIRING AN INMATE IN THE DEPARTMENT OF
18 CORRECTION TO FIRST EXHAUST ALL AVAILABLE
19 ADMINISTRATIVE REMEDIES AS A CONDITION
20 PRECEDENT TO FILING A CLAIM UNDER THE
21 ARKANSAS CIVIL RIGHTS ACT OF 1993 OR ANY
22 OTHER STATE LAW.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 16-106-301 is amended to read as follows:

28 16-106-301. Exhaustion of administrative remedies required –

29 Definition.

30 ~~No action shall be brought~~ (a) An incarcerated person may not bring an
31 action with respect to prison conditions under the Arkansas Civil Rights Act
32 of 1993, § 16-123-101 et seq., any other state law, 42 U.S.C. § 1983, or any
33 other federal law, ~~by an incarcerated person, defined for purposes of this~~
34 ~~subchapter as a person who has been convicted of a crime and is incarcerated~~
35 ~~for that crime or is being held in custody for trial or sentencing,~~ until
36 ~~such~~ the incarcerated person has exhausted all available administrative



1 ~~remedies as are available are exhausted, provided, that the statute of~~
2 ~~limitations is tolled during the period of time the application for the~~
3 ~~administrative remedies is pending.~~

4 (b) As used in this section, "incarcerated person" means a person who:

5 (1) Has been convicted of an offense and is incarcerated for
6 that offense; or

7 (2) Is being held in custody for trial or sentencing.

8 (c) This section does not apply to an action challenging the validity
9 of a conviction or sentence, including without limitation the following
10 actions:

11 (1) Direct appeal;

12 (2) A petition under Rule 37 of the Arkansas Rules of Criminal
13 Procedure;

14 (3) A petition for writ of error coram nobis; or

15 (4) A petition for writ of habeas corpus.

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17 /s/B. Ballinger
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