

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1892

By: Representative Fuller

For An Act To Be Entitled

"AN ACT TO AMEND SUBSECTION (a) OF ARKANSAS CODE 25-15-212 TO PROHIBIT THE UTILIZATION OF THE ADMINISTRATIVE JUDICIAL REVIEW PROCEDURES IN THE ARKANSAS ADMINISTRATIVE PROCEDURE ACT BY INMATES UNDER SENTENCE TO THE CUSTODY OF THE DEPARTMENT OF CORRECTION; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

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

SECTION 1. Subsection (a) of Arkansas Code 25-15-212 is hereby amended to read as follows:

"(a) In cases of adjudication, any person, except an inmate under sentence to the custody of the Department of Correction, who considers himself injured in his person, business, or property by final agency action shall be entitled to judicial review of the action under this subchapter. Nothing in this section shall be construed to limit other means of review provided by law."

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

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 4. Emergency. It is hereby found and determined by the Seventy-Seventh General Assembly of the State of Arkansas that inmates of the Department of Correction have numerous avenues of administrative due process; that it is not necessary to provide them with judicial review under the

Arkansas Administrative Procedure Act; and that state funds could be saved by reducing the amount of money expended by the Department of Correction on legal fees to defend against these unnecessary administrative appeals by inmates. Therefore, in order to avoid the unnecessary expenditure of legal fees for defending the Department of Correction in the administrative appeal procedures, an emergency is hereby declared to exist, and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval.