

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

# A Bill

SENATE BILL 116

5 By: Senator B. Ballinger  
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## 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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## Subtitle

16 REQUIRING AN INMATE IN THE DEPARTMENT OF  
17 CORRECTION TO FIRST EXHAUST ALL AVAILABLE  
18 ADMINISTRATIVE REMEDIES AS A CONDITION  
19 PRECEDENT TO FILING A CLAIM UNDER THE  
20 ARKANSAS CIVIL RIGHTS ACT OF 1993 OR ANY  
21 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~~ and 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.

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