

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: S3/23/17
A Bill

SENATE BILL 563

By: Senator T. Garner

For An Act To Be Entitled

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

Subtitle

CONCERNING THE FILING OF MULTIPLE
FRIVOLOUS LAWSUITS BY INMATES IN THE
DEPARTMENT OF CORRECTION.

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

SECTION 1. Arkansas Code § 16-68-607 is amended to read as follows:
16-68-607. Multiple lawsuits.

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

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

(a) A petition for writ of habeas corpus;

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

(c) A petition for relief under Rule 37 of the Arkansas

Rules of Criminal Procedure.

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



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

- (1) Be frivolous or malicious; or
- (2) Fail to state a claim upon which relief may be granted.

/s/T. Garner