

454.415 Prohibition against civil action filed by or on behalf of inmate prior to exhaustion of administrative remedies -- Dismissal of action and assessment of costs -- Period of limitations.

- (1) No action shall be brought by or on behalf of an inmate, with respect to:
 - (a) An inmate disciplinary proceeding;
 - (b) Challenges to a sentence calculation;
 - (c) Challenges to custody credit; or
 - (d) A conditions-of-confinement issue;until administrative remedies as set forth in the policies and procedures of the Department of Corrections, county jail, or other local or regional correctional facility are exhausted.
- (2) Administrative remedies shall be exhausted even if the remedy the inmate seeks is unavailable.
- (3) The inmate shall attach to any complaint filed documents verifying that administrative remedies have been exhausted.
- (4) A court shall dismiss a civil action brought by an inmate for any of the reasons set out in subsection (1) of this section if the inmate has not exhausted administrative remedies, and may include as part of its order an assessment of court costs against the inmate as the court may deem reasonable and prudent. The correctional facility may enforce this assessment against the inmate's canteen account and against any other assets of the inmate through any other mechanism provided by law.
- (5) A court which dismisses a civil action brought by an inmate for the reasons set out in this section shall include as part of its order specific findings as to the reasons for the dismissal. The court shall, upon issuing the order, direct the circuit clerk to transmit a copy of the entire court order to the official having custody of the inmate, to all persons named as a party defendant in the action, and also, by certified mail, return receipt requested, to the inmate.
- (6) The period of limitations applicable to the cause of action after it has been dismissed by a court under this section for failure to exhaust administrative remedies is the period fixed by the applicable statute or ninety (90) days following the exhaustion of administrative remedies if the grievance is filed within the applicable period of limitations, whichever is later. Nothing in this subsection shall be construed to revive a cause of action that is barred by the applicable period of limitations.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 46, sec. 3, effective July 15, 2010. -- Amended 2006 Ky. Acts ch. 118, sec. 1, effective July 12, 2006. -- Amended 2002 Ky. Acts ch. 11, sec. 2, effective July 15, 2002. -- Created 1996 Ky. Acts ch. 118, sec. 5, effective July 15, 1996.