

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H3/28/01 S4/5/01

A Bill

Act 1733 of 2001
HOUSE BILL 2291

5 By: Representatives Allison, M. Steele, Jones, Hathorn, G. Jeffress, Jacobs, Hausam, M. Smith,
6 Trammell, Files, Minton, Holt, *Bookout*
7 By: *Senator Hoofman*
8
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For An Act To Be Entitled

10 AN ACT TO AMEND ARKANSAS CODE 18-16-101
11 CONCERNING THE OFFENSE OF REFUSAL TO VACATE UPON
12 NOTICE; AND FOR OTHER PURPOSES.
13
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Subtitle

15 AN ACT TO AMEND ARKANSAS CODE 18-16-101
16 CONCERNING THE OFFENSE OF REFUSAL TO
17 VACATE UPON NOTICE.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code 18-16-101 is amended to read as follows:
24 18-16-101. Failure to pay rent - Refusal to vacate upon notice -
25 Penal ty.

26 (a) Any person who shall rent any dwelling house or other building or
27 any land situated in the State of Arkansas and who shall refuse or fail to
28 pay the rent therefor when due according to contract shall at once forfeit
29 all right to longer occupy the dwelling house or other building or land.

30 (b) If, after *ten (10) days'* notice in writing shall have been given
31 by the landlord or his agent or attorney to the tenant to vacate the dwelling
32 house or other building or land, the tenant shall willfully refuse to vacate
33 and surrender the possession of the premises to the landlord or his agent or
34 attorney, the tenant shall be guilty of a misdemeanor. Upon conviction before
35 any *justice of the peace or other* court of competent jurisdiction in the
36 county where the premises are situated, the tenant shall be fined ~~in any sum~~

1 ~~not less than one dollar (\$1.00) nor more than twenty-five dollars (\$25.00)~~
2 ~~per day for each offense day which the tenant fails to vacate the premises.~~
3 ~~Each day the tenant shall willfully and unnecessarily hold the dwelling house~~
4 ~~or other building or land after the expiration of notice to vacate shall~~
5 ~~constitute a separate offense.~~

6 (c)(1) Any tenant charged with refusal to vacate upon notice, and who
7 enters a plea of not guilty to the charge of refusal to vacate upon notice,
8 and who continues to inhabit the premises after notice to vacate pursuant to
9 subsection (b) of this section, shall be required to deposit into the
10 registry of the court a sum equal to the amount of rent due on the premises.
11 The rental payments shall continue to be paid into the registry of the court
12 during the pendency of the proceedings in accordance with the rental
13 agreement between the landlord and the tenant, whether the agreement is
14 written or oral.

15 (2)(A) If the tenant is found not guilty of refusal to vacate
16 upon notice, the rental payments shall be returned to the tenant.

17 (B) If the tenant is found guilty of refusal to vacate
18 upon notice, the rental payment paid into the registry of the court shall be
19 paid over to the landlord by the court clerk.

20 (3) Any tenant who pleads guilty, nolo contendere, or is found
21 guilty of refusal to vacate upon notice, and has not paid the required rental
22 payments into the registry of the court, shall be guilty of a Class B
23 misdemeanor.

24 */s/ Allison*

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27 APPROVED: 4/18/2001
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