

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

HOUSE BILL 1814

5 By: Representative Love  
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## For An Act To Be Entitled

8 AN ACT TO REFORM RESIDENTIAL EVICTION PROCEDURES BY  
9 REPEALING THE STATUTE AUTHORIZING CRIMINAL PENALTIES  
10 FOR FAILURE TO PAY RENT; AND FOR OTHER PURPOSES.  
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## Subtitle

12 TO REFORM RESIDENTIAL EVICTION PROCEDURES  
13 BY REPEALING THE STATUTE AUTHORIZING  
14 CRIMINAL PENALTIES FOR FAILURE TO PAY  
15 RENT.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 18-16-101 is repealed.

23 ~~18-16-101. Failure to pay rent—Refusal to vacate upon notice—~~  
24 ~~Penalty.~~

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

29 ~~(b)(1) If, after ten (10) days' notice in writing shall have been~~  
30 ~~given by the landlord or the landlord's agent or attorney to the tenant to~~  
31 ~~vacate the dwelling house or other building or land, the tenant shall~~  
32 ~~willfully refuse to vacate and surrender the possession of the premises to~~  
33 ~~the landlord or the landlord's agent or attorney, the tenant shall be guilty~~  
34 ~~of a misdemeanor.~~

35 ~~(2) Upon conviction before any justice of the peace or other~~  
36 ~~court of competent jurisdiction in the county where the premises are~~



1 situated, the tenant shall be fined twenty five dollars (\$25.00) per day for  
2 each day that the tenant fails to vacate the premises.

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

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

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

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

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