

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

SENATE BILL 43

5 By: Senator J. Hutchinson
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For An Act To Be Entitled

8 AN ACT CONCERNING CIVIL SUITS IN CONNECTION WITH
9 CRIMINAL ACTIVITY; AND FOR OTHER PURPOSES.
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Subtitle

11 CONCERNING CIVIL SUITS IN CONNECTION WITH
12 CRIMINAL ACTIVITY.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 5-74-109(b), concerning the declaration of
20 a common nuisance, is amended to read as follows:

21 (b) Common Nuisance Declared. Any premises, building, or place ~~used to~~
22 ~~facilitate~~ in which the commission of a continuing series of three (3) or
23 more criminal violations of Arkansas law occurs is declared to be detrimental
24 to the law-abiding citizens of the state and may be subject to an injunction,
25 a court-ordered eviction, or a cause of action for damages as provided for in
26 this subchapter.
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28 SECTION 2. Arkansas Code § 5-74-109(c)(1), concerning actions to
29 abate, is amended to read as follows:

30 (1)(A) ~~When~~ If there is reason to believe a common nuisance
31 under subsection (b) of this section is kept or maintained, or exists in ~~any~~
32 a county, the prosecuting attorney of the county in the name of the state, or
33 the city attorney of ~~any incorporated city~~ a municipality, or ~~any~~ a citizen
34 of the state or a resident of the county in his or her own name, may enjoin
35 permanently the person conducting or maintaining the common nuisance and the
36 owner, lessee, or agent of the building or place in or upon which the common



1 nuisance exists from directly or indirectly maintaining or permitting the
2 common nuisance.

3 (B)(i) An enjoining entity or citizen under subdivision
4 (c)(1)(A) of this section shall provide notice of the alleged common nuisance
5 to the owner, lessee, or agent of the premises, building, or place.

6 (ii) Within ninety (90) days of issuance of the
7 notice required under subdivision (c)(1)(B)(i) of this section, the owner,
8 lessee, or agent shall make a reasonable effort to cooperate with the
9 enjoining entity or citizen in making reasonable attempts to cure the common
10 nuisance.

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