

Act 11 of the Third Special Session of 1989.

Act 11

HB1038

By: Representatives Lipton, Newman, Glover,  
Forgey, and Arrington

For An Act To Be Entitled

"AN ACT AN ACT TO AMEND SUBSECTION (d) OF ARKANSAS CODE  
18-60-307 TO PROVIDE PUBLIC HOUSING AUTHORITIES WITH THE  
RIGHT TO DEMAND AN EXPEDITED HEARING ON THEIR PETITION FOR A  
WRIT OF POSSESSION IN CASES OF UNLAWFUL DETAINER ACTIONS  
AGAINST PUBLIC HOUSING TENANTS WHO ARE CONVICTED OF CRIMES  
UNDER THE UNIFORM CONTROLLED SUBSTANCES ACT; AND FOR OTHER  
PURPOSES. "

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

SECTION 1. Subsection (d) of Arkansas Code 18-60-307 is hereby amended  
to read as follows:

"(d) (1) If a hearing is required to be held on the demand of the  
plaintiff for an immediate writ of possession, the plaintiff shall there  
present evidence sufficient to make a prima facie case of entitlement to  
possession of the property described in the complaint. The defendant or  
defendants shall be entitled to present evidence in rebuttal thereof. If the  
court decides upon all the evidence that the plaintiff is likely to succeed on  
the merits at a full hearing and if the plaintiff provides adequate security  
as determined by the court, then the court shall order the clerk forthwith to  
issue a writ of possession to the sheriff to place the plaintiff in possession  
of the property described in the complaint, subject to the provisions of  
subsection (e) below. No such action by the court shall be final adjudication  
of the parties' rights in the action.

(2) A plaintiff demanding an immediate writ of possession who is a  
housing authority and who claims in their complaint that the defendant or  
defendants are being asked to surrender possession as result of the defendant  
or defendants having been convicted of a criminal violation of the Uniform  
Controlled Substances Act, Chapter 64 of Title 5 of the Arkansas Code, shall  
be entitled to receive an expedited hearing before the court within 10 (ten)  
days of the filing of the objection by the defendant or defendants."

SECTION 2. All provisions of this act of general and permanent nature  
are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this act are  
hereby repealed.

APPROVED: November 6, 1989

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