

Hall of the House of Representatives
90th General Assembly - Regular Session, 2015
Amendment Form

Subtitle of House Bill No. 1820

TO AMEND THE LAW CONCERNING THE DECLARATION OF A COMMON NUISANCE.

Amendment No. 1 to House Bill No. 1820

Amend House Bill No. 1820 as originally introduced:

Delete everything after the enacting clause and substitute the following:

SECTION 1. Arkansas Code § 16-105-402 is amended to read as follows:
16-105-402. Common nuisance declared.

(a) As used in this section, "owner" means ~~any~~ a person in whom is vested the ownership and title of property and who is the owner of record, including without limitation a local, city, state, or federal governmental entity.

(b) ~~A person or entity listed under § 16-105-403 may bring a cause of action against the owner of any of the following that is used for the purpose of unlawfully selling, storing, keeping, manufacturing, using, or distributing a controlled substance, precursor, or analog specified in § 5-64-101 et seq.:~~

- ~~(1) A store or shop;~~
- ~~(2) A warehouse;~~
- ~~(3) A dwelling house;~~
- ~~(4) A building;~~
- ~~(5) A boat;~~
- ~~(6) An airplane;~~
- ~~(7) Abandoned governmental or municipal property; or~~
- ~~(8) Any other property or structure.~~

(c)(1) ~~If a place listed in subsection (b) of this section is deemed a common nuisance by a court~~ A store, shop, warehouse, dwelling house, building, boat, airplane, or other property or structure used for the purpose of unlawfully selling, storing, keeping, manufacturing, using, or donating a controlled substance, precursor, or analog under § 5-64-101 et seq. is detrimental to the public morals and is a common nuisance, and the a court shall order that the common nuisance be enjoined, abated, and prevented.

(2) Costs of enjoinder, abatement, and prevention ~~as well as~~ and damages may be recovered against ~~any~~ a person or entity found to be the owner of the common nuisance property.



The Amendment was read _____
By: Representative Tucker
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Chief Clerk