## Hall of the House of Representatives

90th General Assembly - Regular Session, 2015 **Amendment Form** 

## Subtitle of House Bill No. 1820

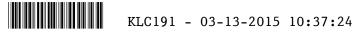
TO AMEND THE LAW CONCERNING THE DECLARATION OF A COMMON NUISANCE.

## 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 enjoinment, 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	
KLC/LLW - 03-13-2015 10:37:24	
KLC191	Chief Clerk