

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

As Engrossed: S3/5/99 S3/16/99 S4/1/99

## A Bill

SENATE BILL 412

5 By: Senator Bearden  
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7

### For An Act To Be Entitled

9 "AN ACT TO PROVIDE FOR THE TERMINATION OF AN  
10 OCCUPANT'S TENANCY FOR VIOLATING THE UNIFORM  
11 CONTROLLED SUBSTANCES ACT OR THE PROSTITUTION LAWS OF  
12 THIS STATE; AND FOR OTHER PURPOSES."  
13

### Subtitle

14 "TO PROVIDE FOR THE TERMINATION OF AN  
15 OCCUPANT'S TENANCY FOR VIOLATING THE  
16 UNIFORM CONTROLLED SUBSTANCES ACT OR THE  
17 PROSTITUTION LAWS OF THIS STATE."  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. (a) An occupant's tenancy may be terminated where the  
23 premises or the area immediately surrounding the premises are used in a clear  
24 and obvious manner to violate the Uniform Controlled Substances Act beginning  
25 at Arkansas Code 5-64-101 or the laws prohibiting prostitution beginning at  
26 Arkansas Code 5-70-101.

27 (b) The prosecuting attorney for the county in which the real property  
28 is located may serve personally upon the owner or landlord of the premises so  
29 used or occupied, or upon the owner's or landlord's agent, a written notice  
30 informing the owner or landlord of the use and requiring the owner or landlord  
31 to inform the prosecuting attorney in writing of the owner's or landlord's  
32 intent to diligently and in good faith seek the eviction of the tenants or  
33 occupants so using or occupying the premises. The prosecuting attorney shall  
34 also provide such notice, by certified mail, and in accordance with the  
35 Arkansas Rules of Civil Procedure, to the landlord and the management company.  
36 If the owner or landlord or the owner's or landlord's agent does not so inform

1 the prosecuting attorney in writing within fifteen (15) calendar days after  
2 receiving written notice or, having so done, does not in good faith diligently  
3 prosecute such eviction, the prosecuting attorney may bring, in the name of  
4 the county in which the land is located, a proceeding under this section in  
5 circuit court for eviction. The person in possession of the property, and the  
6 owner or landlord shall be made respondents in the proceeding.

7 (c) A court granting relief pursuant to this section may order, in  
8 addition to any other costs provided by law, the payment by the respondent,  
9 respondents, or prosecuting attorney of reasonable attorney fees and the costs  
10 of the action. In such cases, multiple respondents are jointly and severally  
11 liable for any payment so ordered. Any costs collected from respondents shall  
12 be remitted to the office of the prosecuting attorney and any attorney fees  
13 collected shall be remitted to the general fund of the county where the  
14 proceeding occurred. The county on whose behalf the prosecuting attorney  
15 acted shall pay any attorney's fees or costs so ordered and such county shall  
16 not be immune from any judgment for such attorney's fees and costs.

17 (d) A proceeding brought under this section for possession of the  
18 premises does not preclude the owner or landlord from recovering monetary  
19 damages for rent, repairs, or any other incidental damages up to the date of  
20 eviction from the tenants or occupants of such premises in a civil action.

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

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26 SECTION 3. If any provision of this act or the application thereof to  
27 any person or circumstance is held invalid, such invalidity shall not affect  
28 other provisions or applications of the act which can be given effect without  
29 the invalid provision or application, and to this end the provisions of this  
30 act are declared to be severable.

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32 SECTION 4. All laws and parts of laws in conflict with this act are  
33 hereby repealed.

34 /s/ Bearden