

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: H3/16/15

A Bill

HOUSE BILL 1820

5 By: Representative Tucker
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For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE DECLARATION OF
9 A COMMON NUISANCE; AND FOR OTHER PURPOSES.

Subtitle

12 TO AMEND THE LAW CONCERNING THE
13 DECLARATION OF A COMMON NUISANCE.
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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 § 16-105-402 is amended to read as follows:*
20 *16-105-402. Common nuisance declared.*

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

25 *(b) ~~A person or entity listed under § 16-105-403 may bring a cause of~~*
26 *~~action against the owner of any of the following that is used for the purpose~~*
27 *~~of unlawfully selling, storing, keeping, manufacturing, using, or~~*
28 *~~distributing a controlled substance, precursor, or analog specified in § 5-~~*
29 *~~64-101 et seq.;~~*

30 *~~(1) A store or shop;~~*

31 *~~(2) A warehouse;~~*

32 *~~(3) A dwelling house;~~*

33 *~~(4) A building;~~*

34 *~~(5) A boat;~~*

35 *~~(6) An airplane;~~*

36 *~~(7) Abandoned governmental or municipal property; or~~*



~~(8) Any other property or structure.~~

~~(e)(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.

/s/Tucker