

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

SENATE BILL 25

5 By: Senator B. Johnson
6 By: Representative B. Smith
7

For An Act To Be Entitled

9 AN ACT TO CLARIFY THE LAW CONCERNING THE OFFENSE OF
10 FAILURE TO VACATE UPON NOTICE; AND FOR OTHER
11 PURPOSES.
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Subtitle

14 TO CLARIFY THE LAW CONCERNING THE OFFENSE
15 OF FAILURE TO VACATE UPON NOTICE.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 18-16-101(c), concerning the failure to
22 vacate upon notice, is amended to read as follows:

23 ~~(c)(1) Any tenant charged with refusal to vacate upon notice who~~
24 ~~enters a plea of not guilty to the charge of refusal to vacate upon notice~~
25 ~~and who continues to inhabit the premises after notice to vacate pursuant to~~
26 ~~subsection (b) of this section shall be required to deposit into the registry~~
27 ~~of the court a sum equal to the amount of rent due on the premises. The~~
28 ~~rental payments shall continue to be paid into the registry of the court~~
29 ~~during the pendency of the proceedings in accordance with the rental~~
30 ~~agreement between the landlord and the tenant, whether the agreement is~~
31 ~~written or oral.~~

32 ~~(2)(A) If the tenant is found not guilty of refusal to vacate~~
33 ~~upon notice, the rental payments shall be returned to the tenant.~~

34 ~~(B) If the tenant is found guilty of refusal to vacate~~
35 ~~upon notice, the rental payment paid into the registry of the court shall be~~
36 ~~paid over to the landlord by the court clerk.~~



1 ~~(3) Any tenant who pleads guilty or nolo contendere to or is~~
2 ~~found guilty of refusal to vacate upon notice and has not paid the required~~
3 ~~rental payments into the registry of the court shall be guilty of a Class B~~
4 ~~misdemeanor.~~

5 A court of competent jurisdiction may, upon conviction of a tenant for
6 refusal to vacate upon notice, issue a:

7 (1) Writ of possession for the county sheriff to evict the
8 tenant from the leased premises; or

9 (2) Court order to evict the tenant from the leased premises.

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