

Stricken language would be deleted from and underlined language would be added to present law.
Act 1099 of the Regular Session

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/16/15
A Bill

HOUSE BILL 1820

By: Representative Tucker

For An Act To Be Entitled

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

Subtitle

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

*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.~~

~~(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

APPROVED: 04/06/2015