

Stricken language would be deleted from and underlined language would be added to present law.

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