

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

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

SENATE BILL 43

By: Senator J. Hutchinson

For An Act To Be Entitled

AN ACT CONCERNING CIVIL SUITS IN CONNECTION WITH
CRIMINAL ACTIVITY; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING CIVIL SUITS IN CONNECTION WITH
CRIMINAL ACTIVITY.

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

SECTION 1. Arkansas Code § 5-74-109(b), concerning the declaration of a common nuisance, is amended to read as follows:

(b) Common Nuisance Declared. Any premises, building, or place ~~used to facilitate~~ in which the commission of a continuing series of three (3) or more criminal violations of Arkansas law occurs is declared to be detrimental to the law-abiding citizens of the state and may be subject to an injunction, a court-ordered eviction, or a cause of action for damages as provided for in this subchapter.

SECTION 2. Arkansas Code § 5-74-109(c)(1), concerning actions to abate, is amended to read as follows:

(1)(A) ~~When~~ If there is reason to believe a common nuisance under subsection (b) of this section is kept or maintained, or exists in ~~any~~ a county, the prosecuting attorney of the county in the name of the state, or the city attorney of ~~any incorporated city~~ a municipality, or ~~any~~ a citizen of the state or a resident of the county in his or her own name, may enjoin permanently the person conducting or maintaining the common nuisance and the owner, lessee, or agent of the building or place in or upon which the common



nuisance exists from directly or indirectly maintaining or permitting the common nuisance.

(B)(i) An enjoining entity or citizen under subdivision (c)(1)(A) of this section shall provide notice of the alleged common nuisance to the owner, lessee, or agent of the premises, building, or place.

(ii) Within ninety (90) days of issuance of the notice required under subdivision (c)(1)(B)(i) of this section, the owner, lessee, or agent shall make a reasonable effort to cooperate with the enjoining entity or citizen in making reasonable attempts to cure the common nuisance.