

**Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.**

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

*As Engrossed: H3/28/01 S4/5/01*

## A Bill

HOUSE BILL 2291

5 By: Representatives Allison, M. Steele, Jones, Hathorn, G. Jeffress, Jacobs, Hausam, M. Smith,  
6 Trammell, Files, Minton, Holt, *Bookout*  
7 By: *Senator Hoofman*  
8  
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### For An Act To Be Entitled

10 AN ACT TO AMEND ARKANSAS CODE 18-16-101  
11 CONCERNING THE OFFENSE OF REFUSAL TO VACATE UPON  
12 NOTICE; AND FOR OTHER PURPOSES.  
13  
14

### Subtitle

15 AN ACT TO AMEND ARKANSAS CODE 18-16-101  
16 CONCERNING THE OFFENSE OF REFUSAL TO  
17 VACATE UPON NOTICE.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code 18-16-101 is amended to read as follows:  
24 18-16-101. Failure to pay rent - Refusal to vacate upon notice -  
25 Penal ty.

26 (a) Any person who shall rent any dwelling house or other building or  
27 any land situated in the State of Arkansas and who shall refuse or fail to  
28 pay the rent therefor when due according to contract shall at once forfeit  
29 all right to longer occupy the dwelling house or other building or land.

30 (b) If, after *ten (10) days'* notice in writing shall have been given  
31 by the landlord or his agent or attorney to the tenant to vacate the dwelling  
32 house or other building or land, the tenant shall willfully refuse to vacate  
33 and surrender the possession of the premises to the landlord or his agent or  
34 attorney, the tenant shall be guilty of a misdemeanor. Upon conviction before  
35 any *justice of the peace or other* court of competent jurisdiction in the  
36 county where the premises are situated, the tenant shall be fined ~~in any sum~~

1 ~~not less than one dollar (\$1.00) nor more than twenty-five dollars (\$25.00)~~  
2 ~~per day for each offense day which the tenant fails to vacate the premises.~~  
3 ~~Each day the tenant shall willfully and unnecessarily hold the dwelling house~~  
4 ~~or other building or land after the expiration of notice to vacate shall~~  
5 ~~constitute a separate offense.~~

6 (c)(1) Any tenant charged with refusal to vacate upon notice, and who  
7 enters a plea of not guilty to the charge of refusal to vacate upon notice,  
8 and who continues to inhabit the premises after notice to vacate pursuant to  
9 subsection (b) of this section, shall be required to deposit into the  
10 registry of the court a sum equal to the amount of rent due on the premises.  
11 The rental payments shall continue to be paid into the registry of the court  
12 during the pendency of the proceedings in accordance with the rental  
13 agreement between the landlord and the tenant, whether the agreement is  
14 written or oral.

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

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

20 (3) Any tenant who pleads guilty, nolo contendere, or is found  
21 guilty of refusal to vacate upon notice, and has not paid the required rental  
22 payments into the registry of the court, shall be guilty of a Class B  
23 misdeemeanor.

24 */s/ Allison*

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