

HB 3017 -- PERMITTING A PUBLIC NUISANCE

SPONSOR: Irwin

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Crime and Public Safety by a vote of 8 to 2.

This bill creates the offense of permitting a public nuisance, which a person commits if he or she knowingly permits, allows, or fails to prevent any illegal activity, defined in the bill, occurring on a property the person owns, rents, occupies, or controls. The offense is a class E felony. The person who owns, rents, occupies, or controls the property will be subject to arrest for permitting a public nuisance, as long as the requirements in the bill are satisfied, after three documented complaints to law enforcement or independent observations. If no lawful owner, occupant, or responsible party can be established or it is determined the owner of record is deceased and no responsible party has assumed control of the property, the governmental authority with jurisdiction will be authorized to secure, board, or otherwise restrict entry to the property to protect public safety and prevent further nuisance. Once the property is secured, a person found to be on or around the property is subject to arrest for trespassing.

PROPONENTS: Supporters say that this creates the offense of permitting a public nuisance. The offense specifically requires a person to know about it and permit it. This was a hot topic on a local radio station in Kansas City. A felony charge is not excessive when a landlord or owner of a property is notified three times of the nuisance and does nothing about it. If the property is vacant, after three complaints, the property will be boarded up by the city.

Testifying in person for the bill were Representative Irwin; Kansas City Missouri Board of Police Commissioners.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.