

HB 3017 -- OFFENSE OF PERMITTING A PUBLIC NUISANCE

SPONSOR: Irwin

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.