



SENATE BILL 264: Abate Nuisances/Drug Sales From Stores

2013-2014 General Assembly

Committee: Senate Judiciary I
Introduced by: Sen. Brown
Analysis of: PCS to First Edition
S264-CSSA-37

Date: May 7, 2013
Prepared by: Susan Sitze
Committee Counsel

SUMMARY: *The proposed committee substitute (PCS) for Senate Bill 264 amends the nuisance laws to clarify the purpose requirement and modifies the bail law for certain drug offenses.*

The PCS removes the previous Section 2, which authorized forfeiture of real property in drug cases.

BILL ANALYSIS:

Section 1 would amend the nuisance statute to clarify that the nuisance activity need not be the sole purpose of the building or place in order for it to be a nuisance. This section also provides that no nuisance action may be brought against a place that is subject to the alcohol regulations in Chapter 18B when the basis for the nuisance action is related to violation of laws or regulations under that Chapter pertaining to possession or sale of alcoholic beverages.

Section 2 would amend the pretrial release statute to create a rebuttable presumption that no condition of pretrial release will reasonably assure the person's appearance and the community's safety if the person is charged with manufacture, sell or deliver, or possession with intent to manufacture, sell or deliver a controlled substance and all of the following are found:

- The person is the owner or person in control of a place or business
- The controlled substance which is the basis for the charge was located at the place or business
- The person was out on pretrial release for a previous charge of, or has a previous conviction of, the same offense also for a controlled substance at a place or business of which the person is the owner or has control.

EFFECTIVE DATE: Section 1 of this act is effective when it becomes law and applies to nuisance actions filed on or after that date. Section 2 of this act becomes effective December 1, 2013, and applies to offenses committed on or after that date. The remainder of this act is effective when it becomes law.

