

# HOUSE RESEARCH

## Bill Summary

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### Overview

This bill modifies the public nuisance statute to permit a nuisance claim after one incident for certain types of activities, expands the scope of the law to include use or possession of weapons other than firearms, and lowers the evidentiary standard required to prove a nuisance exists.

#### Section

**1 Acts Constituting a Public Nuisance.** Modifies the public nuisance statute in three ways:

(1) Specifies that for certain behavioral incidents, only one occurrence is necessary to constitute a nuisance. These instances include:

- prostitution or prostitution-related activity that occurs within a building;
- the unlawful sale, possession, and related modes of handling a controlled substance within a building; and
- the unlawful use or possession of a dangerous weapon within a building.

Other incidents listed in the statute require a showing of two or more separate occurrences.

(2) Replaces the existing term “firearm” with “dangerous weapon.” This broadens the definition to include a loaded or unloaded firearm, any device designed as a weapon and

**Section**

capable of producing death or great bodily harm, any combustible or flammable liquid that, in the manner it is used or intended to be used, is calculated or likely to cause death or great bodily harm, and any fire used to produce death or great bodily harm.

(3) Provides that a nuisance exists if each element of the conduct is established by a preponderance of the evidence. This new evidentiary standard lowers the burden on a plaintiff to prove a nuisance exists from the current “clear and convincing evidence” standard.