

April 14, 1999

**S 929. ABATEMENT OF NUISANCES. TO REVISE THE ABATEMENT OF NUISANCES STATUTES.** Amends GS 19-1.1(3) to provide that "knowledge" or "knowledge of such nuisance" means, with regard to nuisances involving assignation, prostitution, gambling, illegal possession or sale of alcoholic beverages or controlled substances, or repeated acts that create and constitute a breach of the peace, evidence that defendant knew, or by exercise of due diligence should have known, of the acts or conduct. Amends GS 19-1.1 to define "breach of the peace" as act that disturbs public tranquility and order including, but not limited to, homicide, assault, affray, communicating threats, stalking, loud obscene or abusive language, unlawful possession of dangerous or deadly weapons, and discharging firearms. Amends GS 19-1.1 to define "prostitution" as offering in any manner or receiving in return for fee, for acts of vaginal intercourse, anal intercourse, fellatio, cunnilingus, masturbation, or physical contact with person's genitals, pubic area, buttocks, or breasts, or other acts of sexual conduct offered or received for pay and sexual gratification. Amends GS 19-1.3(3) to include vehicles and conveyances as personal property declared as nuisances as set out in subsection. Adds new GS 19-1.6 to provide that cessation of nuisance activities does not preclude action for abatement of nuisance based on its past operation. Amends GS 19-2.1 to provide that on request of Att'y General, district attorney, county or municipality, including sheriff or chief of police, Alcohol Law Enforcement Div'n of Dep't of Crime Control and Public Safety or other law enforcement agency may investigate alleged public nuisances and make recommendations concerning actions to abate public nuisances. Amends GS 19-2.5 to provide that court may order closure of property pending trial on merits. Effective Oct. 1, 1999.

**Intro. by Reeves.**

Ref. to Judiciary II

GS 19

April 29, 1999

**929. ABATEMENT OF NUISANCES.** Intro. 4/14/99. Senate committee substitute makes the following changes to 1st edition. Deletes proposed definition of "assignation" in GS 19-1.1 Clarifies that "breach of peace" involves *repeated* acts that disturb the public order. Deletes proposed GS 19-1.6, which would provide that cessation of nuisance activities do not preclude an action for abatement of a nuisance based on its past operation.

**JULY 7, 1999**

**S 929. ABATEMENT OF NUISANCES.** Intro. 4/14/99. House committee substitute makes the following changes to 2nd edition. Amends GS 19-2.3 to allow officer serving temporary restraining order issued under that section to enter property that is the subject of the nuisance abatement action in order for officer to conduct inventory required by statute.