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FILED MAR 02 1989

Judiciary R. Pass 3/15 (p. 800)

SENATE FILE **327**
BY KIBBIE

Passed Senate, Date 3-21-89 (p. 925) Passed House, Date _____
Vote: Ayes 43 Nays 1 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the misappropriation of property, and making
2 penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 327

S-3301

1 Amend Senate File 327 as follows:
2 1. Page 1, by striking lines 15 through 18 and
3 inserting the following: "lessor that return of the
4 property is overdue is evidence of misappropriation.
5 The notice shall be served by restricted certified
6 mail, addressed to the bailee or lessee at the
7 bailee's or lessee's mailing address. If service upon
8 the bailee or lessee by restricted certified mail, is
9 unsuccessful, the bailor or lessor shall cause the
10 notice to be served as provided in Iowa rule of civil
11 procedure 56.1. A prosecution for misappropriation of
12 personal property against a bailee or lessee shall not
13 be commenced until the bailee or lessee is served with
14 notice as provided in this subsection."

By JOHN P. KIBBIE

S-3301 FILED MARCH 17 1989
Adopted 3-21-89 (p. 924)

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1 Section 1. Section 714.1, subsection 2, Code 1989, is
2 amended to read as follows:

3301- 3 2. Misappropriates property which the person has in trust,
4 or property of another which the person has in the person's
5 possession or control, whether such that possession or control
6 is lawful or unlawful, by using or disposing of it in a manner
7 which is inconsistent with or a denial of the trust or of the
8 owner's rights in such the property; or conceals found
9 property, or appropriates such found property to the person's
10 own use; when the owner of such the property is known to the
11 person. Failure by a bailee or lessee of personal property to
12 return the property within seventy-two-hours-after-a-time
13 specified-in-a-written-agreement-of-lease-or-bailment shall-be
14 seven days after receipt of written notice from the bailor or
15 lessor by certified mail, return receipt requested, to the
16 bailee or lessee addressed at the bailee's or lessee's mailing
17 address that the return of the property is overdue is evidence
18 of misappropriation.

19 EXPLANATION

20 This bill provides that a bailee or lessee does not commit
21 an act of misappropriation of property until the expiration of
22 seven days following written notice by the bailor or lessor of
23 the property.

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1 Section 1. Section 714.1, subsection 2, Code 1989, is
2 amended to read as follows:

3 2. Misappropriates property which the person has in trust,
4 or property of another which the person has in the person's
5 possession or control, whether ~~such~~ that possession or control
6 is lawful or unlawful, by using or disposing of it in a manner
7 which is inconsistent with or a denial of the trust or of the
8 owner's rights in ~~such~~ the property~~;~~; or conceals found
9 property, or appropriates ~~such~~ found property to the person's
10 own use~~;~~ when the owner of ~~such~~ the property is known to the
11 person. Failure by a bailee or lessee of personal property to
12 return the property within ~~seventy-two-hours-after-a-time~~
13 ~~specified-in-a-written-agreement-of-lease-or-bailment-shall-be~~
14 seven days after receipt of written notice from the bailor or
15 lessor that return of the property is overdue is evidence of
16 misappropriation. The notice shall be served by restricted
17 certified mail, addressed to the bailee or lessee at the
18 bailee's or lessee's mailing address. If service upon the
19 bailee or lessee by restricted certified mail, is
20 unsuccessful, the bailor or lessor shall cause the notice to
21 be served as provided in Iowa rule of civil procedure 56.1. A
22 prosecution for misappropriation of personal property against
23 a bailee or lessee shall not be commenced until the bailee or
24 lessee is served with notice as provided in this subsection.

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