

SENATE FILE 130
BY LUNDBY

(COMPANION TO LSB 1548HH BY
FOEGE)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved 0 _____

A BILL FOR

1 An Act relating to the theft of video rental property and making
2 penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 130

1 Section 1. NEW SECTION. 714C.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Owner" means an owner of video rental property and
5 includes an agent of the owner.

6 2. "Video rental property" means an audiovisual recording,
7 including a video tape, videodisc, or other tangible medium of
8 expression on which an audiovisual work is recorded or
9 otherwise stored, or any equipment or supplies used to view
10 the recording, and which is held out for rental to the public
11 in the ordinary course of business.

12 Sec. 2. NEW SECTION. 714C.2 VIDEO RENTAL PROPERTY THEFT.

13 A person commits theft of video rental property if such
14 person knowingly does any of the following:

15 1. Obtains the temporary use of video rental property with
16 the intent to deprive the owner of the use and possession of
17 the video rental property without the consent of the owner.

18 2. Having lawfully obtained possession for temporary use
19 of the video rental property, fails to return the property by
20 the agreed time with the intent to deprive the owner of the
21 use and possession of the property without the consent of the
22 owner.

23 Sec. 3. NEW SECTION. 714C.3 AGGREGATE VALUE.

24 The aggregate value of the property involved shall be the
25 original retail value of the property.

26 Sec. 4. NEW SECTION. 714C.4 VIDEO RENTAL PROPERTY THEFT
27 -- DEGREES.

28 Video rental property theft shall be punishable as theft as
29 provided in section 714.2 based on the aggregate value of the
30 property involved.

31 Sec. 5. NEW SECTION. 714C.5 EVIDENCE OF INTENTION.

32 1. The fact that a person obtains possession of rented
33 video property by means of deception, including but not
34 limited to furnishing a false name, address, or other
35 identification to the owner, is evidence that possession was

1 obtained with intent to knowingly deprive the owner of the use
2 and possession of the video rental property.

3 2. The fact that a person, having lawfully obtained
4 possession of video rental property, fails to return or make
5 arrangements acceptable to the owner to return the video
6 rental property to the owner, within forty-eight hours after
7 receipt of written notice and demand from the owner is
8 evidence of an intent to knowingly deprive the owner of the
9 use and possession of the video rental property.

10 Sec. 6. NEW SECTION. 714C.6 AFFIRMATIVE DEFENSE.

11 It shall be an affirmative defense to a prosecution under
12 section 714C.2, subsection 2, if the defendant in possession
13 of video rental property returns the property to the owner
14 within forty-eight hours of arrest, together with any standard
15 overdue charges for the period that the owner was unlawfully
16 deprived of possession, but not to exceed one hundred twenty
17 days, and the value of the damage to the property, if any.

18 Sec. 7. NEW SECTION. 714C.7 CHAPTER NOT EXCLUSIVE.

19 This chapter does not preclude the applicability of any
20 other provision of the law of this state which is not
21 inconsistent with this chapter and which applies or may apply
22 to an act or transaction in violation of this chapter.

23 EXPLANATION

24 This bill provides for the crime of theft of video rental
25 property. The bill defines video rental property and defines
26 theft of video rental property as either obtaining the video
27 rental property with the intent to deprive the owner of the
28 video rental property or failing to return the video rental
29 property with the intent to deprive the owner of the video
30 rental property.

31 The bill provides that the value of the video rental
32 property taken is the retail value of the video rental
33 property.

34 The bill provides that first degree theft of video rental
35 property shall be punishable as theft as provided in section

1 714.2, based upon the aggregate value of the property.

2 The bill further provides that certain facts establish an
3 intent to knowingly deprive an owner of video rental property
4 and also provides an affirmative defense to theft of video
5 rental property pursuant to section 714C.2, subsection 2, if
6 the person returns the video rental property, along with
7 certain additional charges if applicable, within 48 hours
8 after the person is arrested.

9 New section 714C.7 provides that the new chapter does not
10 preclude the applicability of any other provision of law for
11 an act otherwise covered by new chapter 714C.

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