

House Amendment 1371

PAG LIN

1 1 Amend House File 745, as passed by the House, as
1 2 follows:
1 3 #1. By striking everything after the enacting
1 4 clause and inserting the following:
1 5 <Section 1. Section 714.1, subsection 2, Code
1 6 2005, is amended to read as follows:
1 7 2. Misappropriates property which the person has
1 8 in trust, or property of another which the person has
1 9 in the person's possession or control, whether such
1 10 possession or control is lawful or unlawful, by using
1 11 or disposing of it in a manner which is inconsistent
1 12 with or a denial of the trust or of the owner's rights
1 13 in such property, or conceals found property, or
1 14 appropriates such property to the person's own use,
1 15 when the owner of such property is known to the
1 16 person.
1 17 a. Failure by a bailee or lessee of personal
1 18 property to return the property within seventy-two
1 19 hours after a time specified in a written agreement of
1 20 lease or bailment shall be evidence of
1 21 misappropriation.
1 22 b. If a time is not specified in the written
1 23 agreement of lease or bailment for the expiration or
1 24 termination of the lease or bailment or for the return
1 25 of the personal property, failure by a lessee or
1 26 bailee to return the property within five days after
1 27 proper notice to the lessee or bailee shall be
1 28 evidence of misappropriation. For the purposes of
1 29 this paragraph, "proper notice" means a written notice
1 30 of the expiration or termination of the lease or
1 31 bailment agreement sent to the lessee or bailee by
1 32 certified or restricted certified mail at the address
1 33 of the lessee or bailee specified in the agreement.
1 34 The notice shall be considered effective on the date
1 35 of the mailing of the notice regardless of whether or
1 36 not the lessee or bailee signs a receipt for the
1 37 notice.>
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