

# Senate Amendment 3113

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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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1 42 BRAD ZAUN  
1 43 HF 745.701 81  
1 44 kk/gg/1967

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