

FEB 1 1996
JUDICIARY

HOUSE FILE 2132
BY SCHULTE

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

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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HF 2132

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

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

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

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

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

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

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

24 The aggregate value of the property involved shall be the
25 greater of the original retail value of the property, the
26 replacement value of the property, or the prevailing rental
27 value for the period that the owner was unlawfully deprived of
28 possession but not to exceed one hundred twenty days.

29 Sec. 4. NEW SECTION. 714C.4 VIDEO RENTAL PROPERTY THEFT
30 -- DEGREES.

31 Video rental property theft shall be punishable as theft as
32 provided in section 714.2 based on the aggregate value of the
33 property involved.

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

- 35 1. The fact that a person obtains possession of rented

1 video property by means of deception, including, but not
2 limited to, furnishing a false name, address, or other
3 identification to the owner, is evidence that possession was
4 obtained with intent to knowingly deprive the owner of the use
5 and possession of the video rental property.

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

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

15 It shall be an affirmative defense to a prosecution under
16 section 714C.2, subsection 2, if the defendant in possession
17 of video rental property returns the property to the owner
18 within forty-eight hours of arrest, together with any charges
19 for the overdue period and the value of the damage to the
20 property, if any.

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

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

26 EXPLANATION

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

34 The bill provides that the value of the video rental
35 property taken is the greater of the retail value of the video

1 rental property, the replacement value of the video rental
2 property, or the rental value of the video rental property for
3 the period of time the property was taken but not to exceed
4 120 days.

5 The bill provides that first degree theft of video rental
6 property shall be punishable as theft as provided in section
7 714.2, based upon the aggregate value of the property.

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

15 The bill provides that this chapter is not the exclusive
16 means of prosecuting a person subject to the provisions of
17 this bill.

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