

FEB 12 1997  
JUDICIARY

HOUSE FILE **203**  
BY FOEGE

(COMPANION TO LSB 1548SS BY  
LUNDBY)

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 203**

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 videotape, 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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