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SENATE FILE 466
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 130)

Passed Senate, Date ^(P. 914) 4-2-97 Passed House, Date ^(P. 1492) 4-13-98
Vote: Ayes 48 Nays 0 Vote: Ayes 94 Nays 2
Approved April 22, 1998

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. 466

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 pay the owner
5 the fair market value of the video rental property or to
6 return or make arrangements acceptable to the owner to return
7 the video rental property to the owner, within forty-eight
8 hours after receipt of written notice and demand from the
9 owner is evidence of an intent to knowingly deprive the owner
10 of the use and possession of the video rental property.

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

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

1 property.

2 The bill provides that first degree theft of video rental
3 property shall be punishable as theft as provided in Code
4 section 714.2, based upon the aggregate value of the property.

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

13 New Code section 714C.7 provides that the new chapter does
14 not preclude the applicability of any other provision of law
15 for an act otherwise covered by new Code chapter 714C.

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SENATE FILE 466

AN ACT
RELATING TO THE THEFT OF VIDEO RENTAL PROPERTY AND MAKING
PENALTIES APPLICABLE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This chapter does not preclude the applicability of any other provision of the law of this state which is not

inconsistent with this chapter and which applies or may apply to an act or transaction in violation of this chapter.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 466, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate

Approved April 22, 1998

TERRY E. BRANSTAD
Governor