

Withdrawn  
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JUDICIARY

HOUSE FILE 2365  
BY CARROLL

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the theft of leased or rented personal  
2 property and making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2365

1 Section 1. Section 714.1, subsection 2, Code 2003, is  
2 amended to read as follows:

3 2. Misappropriates property which the person has in trust,  
4 or property of another which the person has in the person's  
5 possession or control, whether such possession or control is  
6 lawful or unlawful, by using or disposing of it in a manner  
7 which is inconsistent with or a denial of the trust or of the  
8 owner's rights in such property, or conceals found property,  
9 or appropriates such property to the person's own use, when  
10 the owner of such property is known to the person. ~~Failure~~  
11 Except as provided in section 714.4A, failure by a bailee or  
12 ~~lessee~~ of personal property to return the property within  
13 seventy-two hours after a time specified in a written  
14 agreement of ~~lease-or~~ bailment shall be evidence of  
15 misappropriation.

16 Sec. 2. NEW SECTION. 714.4A RENTED OR LEASED PERSONAL  
17 PROPERTY -- EVIDENCE OF INTENTION.

18 1. The fact that a person who has leased or rented  
19 personal property of another willfully fails to return or make  
20 arrangements acceptable with the lessor or owner to return the  
21 personal property to the lessor or owner within ten days after  
22 proper notice following expiration of the lease or rental  
23 agreement, or conceals the property from the lessor or owner,  
24 or sells, pawns, loans, abandons, or gives away the leased or  
25 rented property, is material evidence of the intent to deprive  
26 the lessor or owner of the use and possession of the personal  
27 property.

28 2. The fact that a person who has leased or rented a motor  
29 vehicle willfully fails to return or make arrangements  
30 acceptable to the lessor or owner to return the motor vehicle  
31 to the lessor or owner within seventy-two hours after the  
32 expiration of the lease or rental agreement is material  
33 evidence of the intent to deprive the lessor or owner of the  
34 use and possession of the personal property. This subsection  
35 shall not apply if return of the motor vehicle is made more

1 difficult or expensive by a defect in such vehicle which  
2 renders the vehicle inoperable, if the lessee or renter  
3 notifies the lessor or owner of the location of such vehicle  
4 and such defect prior to the expiration of the lease or rental  
5 agreement.

6 3. The fact that a person obtains possession of personal  
7 property subject to a lease or rental agreement by means of  
8 deception, including but not limited to furnishing a false  
9 name, address, place of employment, or other identification to  
10 the lessor or owner is evidence that possession was obtained  
11 with intent to knowingly deprive the lessor or owner of the  
12 use and possession of the personal property.

13 4. Unless otherwise agreed to in writing, for the purpose  
14 of determining whether a theft as described in this section  
15 has occurred, personal property which is the subject of a  
16 leasing contract or rental agreement providing the option to  
17 buy the personal property is owned by the owner until such  
18 time as the owner endorses the sale and transfer of ownership  
19 of the leased or rented property to the lessee or renter.

20 5. This section shall apply to all forms of leasing and  
21 rental agreements concerning personal property, including but  
22 not limited to contracts providing the consumer options to buy  
23 the leased or rented personal property, lease-purchase  
24 agreements, and rent-to-own contracts.

25 EXPLANATION

26 This bill provides for the criminal offense of theft of  
27 personal property that is leased or rented. The bill provides  
28 that failing to return or making acceptable arrangements to  
29 return personal property within 10 days after expiration of  
30 the lease or rental agreement is material evidence of intent  
31 to deprive. The bill provides that the concealment, sale,  
32 pawn, loan, abandonment, or giving away of the leased or  
33 rented personal property is material evidence of intent to  
34 deprive.

35 The bill provides that failing to return or making

1 acceptable arrangements to return a motor vehicle within 72  
2 hours after expiration of a lease or rental agreement is  
3 material evidence of intent to deprive unless the vehicle is  
4 not timely returned due to a defect in the vehicle making the  
5 vehicle inoperable if the lessee or renter gives notice of the  
6 defect to the lessor or owner prior to the expiration of the  
7 lease or rental agreement. Obtaining possession of personal  
8 property by means of deception is evidence of intent to  
9 deprive.

10 The owner of the personal property is deemed to be the  
11 owner of property until the owner has endorsed the sale and  
12 transfer of ownership or unless there has been a written  
13 agreement to the contrary. The bill's provisions are intended  
14 to apply to all forms of leasing and rental agreements  
15 concerning personal property.

16 The penalties in Code section 714.2 apply to theft of  
17 leased or rented personal property. Theft of property  
18 exceeding \$10,000 in value is a class "C" felony. Theft of  
19 property exceeding \$1,000 in value is a class "D" felony.  
20 Theft of property exceeding \$500 in value is an aggravated  
21 misdemeanor. Theft of property exceeding \$200 in value is a  
22 serious misdemeanor. Theft of property with a value of \$200  
23 or less is a simple misdemeanor.

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