



## HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	Senate File 403	House Committee:	<b>PASSED</b> on March 22 (15-6)
Committee:	Judiciary	House Floor:	
Floor Manager:	Rep. Carlin	Senate Floor:	<b>PASSED</b> on March 13 (49-0)
Date:	April 10, 2017	Governor:	
Staff:	Amanda Wille (1-5230)		

### Theft of Rental Property

- Includes equipment rental property under the definition of theft
- Failure to return rented equipment could result in criminal charges. Current law only includes rented video tapes.
- **Fiscal Note** – It is not possible to estimate the fiscal note or corrections impact because there is no historical data available for the expanded definition of theft.

### Section by Section Analysis

#### Section 1 – Theft, Fraud, and Related Offenses-Theft Defined (714.1)

Under current law, theft of video rental property is considered theft. This definition does not extend beyond video rental. SF 403 extends the definition of theft to includes equipment rental property, if the person obtains the equipment rental property with the intent to deprive the owner of the property without consent, or if they lawfully obtain and refuse to return the property by the agreed upon time with the intent to deprive the owner without consent.

The aggregate value of the property for purposes of determining the degree of theft committed is its original value.

#### Section 2 – Video or Equipment Rental Property Theft-Evidence of Intention-Affirmative Defense (714.6A)

Includes equipment rental property under the current definition of theft.

The fact that a person, having lawfully obtained possession of the property, fails to pay the owner its fair market value or return the property within 48 hours after receiving written notice from the owner, is evidence of intent to deprive.

It is an affirmative defense if a person in possession of the property pays the owner the fair market value or returns the property to the owner within 48 hours of arrest. Certain overdue charges will also apply.

If the value of the property is more than \$10,000, the charge is a class "C" felony punishable by up to 10 years in prison and a fine between \$1,000 and \$10,000.

If the value of the property exceeds \$1,000 but is not more than \$10,000, the charge is a class "D" felony punishable by up to 5 years in prison and a fine between \$750-\$7,500.

If the value of the property is between \$500 and \$1,000 the punishment is an aggravated misdemeanor. It is also an aggravated misdemeanor if the person has twice been convicted do of theft and the value of the property was \$500 or less. An aggravated misdemeanor is punishable by no more than 2 years in prison and a fine between \$625 and \$6,250.

If the value of the property is more than \$200 and less than \$500 the charge is a serious misdemeanor. A serious misdemeanor is punishable by no more than one year confinement and a fine between \$315 and \$1,875 .

If the value of the property is \$200 or less, the charge is a simple misdemeanor. A simple misdemeanor is punishable by no more than 30 days confinement or a fine between \$65 and \$625.

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## **Amendment Analysis**