

HOUSE BILL ANALYSIS

HB 2059

Title: An act relating to theft of rental property.

Brief Description: Prohibiting theft of rental property.

Sponsors: Representatives D. Schmidt, Grant, Thompson and Sheldon.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Staff: Yvonne Walker (786-7841)

Background: An offender convicted of stealing property valued over \$1,500 is considered theft in the first degree or a class B felony; valued between \$250 and \$1,500 is considered theft in the second degree or a class C felony; and valued less than \$250 is considered theft in the third degree or a gross misdemeanor.

Expiration of a lease or rental contract. A person who fails to return rented or leased property within 10 days after receiving a written notice, sent by certified or registered mail, of the expiration of the lease or rental agreement is guilty of a gross misdemeanor. The written notice from the lessor must include a warning that failure to promptly return the leased property within 10 days may result in a criminal prosecution.

The term "lease" in this section also includes rental agreements.

Failure to pay leased or rental payments. A person is guilty of a class C felony if the rented or leased property is valued over \$1,500 and if: the person fails to return the rented or leased property within five days after receiving a written notice, sent by certified or registered mail, from the lessor; and the person has signed an agreement to rent or lease for a period of six months or more and fails to pay the lessor the periodic payments when due for a period of 90 days.

Summary: A new section is created prohibiting theft of rental property which is to distinguished between theft of leased property.

A person is guilty of theft of rental property if after receiving a written demand, sent by certified or registered mail, by the owner after expiration of the rental period: (1) the person continually fails to return the rented property or make acceptable arrangements for return of the property within 10 days; and (2) has presented a false identification when he or she originally rented the material.

A person is also guilty if:

(a) The renter accurately stated the renter's name, address, and other material items of identification at the time of the rental;

- (b) The renter failed to receive the owner's notice, due in no significant part to the fault of the renter; and
- (c) The renter personally or through the renter's agent returned the personal property to the owner or the owner's agent within 48 hours of the commencement of the prosecution, together with any charges for the overdue period and the value of damages to the property.

Expiration of a lease or rental contract. This section has been revised to only relate to leased property instead of both leased and rental property. The term "lease" in this section excludes rental agreements.

Failure to pay leased or rental payments. This section has been revised to only relate to leased property instead of both leased and rental property.

Note: A technical correction is needed to distinguish between rental- and leased- property.

Require the Exercise of Rule- Making Powers: No

Fiscal Note: Requested on February 25, 2997.

Effective Date: Ninety days after adjournment of session in which bill is passed.