

FIRST REGULAR SESSION

SENATE BILL NO. 399

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KRAUS.

Read 1st time March 1, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1818S.011

AN ACT

To repeal section 578.150, RSMo, and to enact in lieu thereof one new section relating to the crime of stealing leased or rented property, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 578.150, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 578.150, to read as follows:

578.150. 1. A person commits the crime of [failing to return] **stealing**
2 leased or rented property if, with the intent to deprive the owner thereof, [he]
3 **such person:**

4 (1) Purposefully fails to return leased or rented personal property to the
5 place and within the time specified in an agreement in writing providing for the
6 leasing or renting of such personal property[. In addition, any person who has
7 leased or rented personal property of another who];

8 (2) Conceals or aids or abets the concealment of the property from
9 the owner[, or who otherwise];

10 (3) Sells, encumbers, conveys, pawns, loans, abandons or gives away
11 the leased or rented property [is guilty of the crime of failing to return leased or
12 rented property] or any part thereof, without the written consent of the
13 lessor, or without informing the person to whom the property is
14 transferred to that the property is subject to a lease;

15 (4) Returns the property to the lessor at the end of the lease
16 term, plus any agreed upon extensions, but does not pay the lease
17 charges agreed upon in the written instrument, with the intent to
18 wrongfully deprive the lessor of the agreed upon charges.

19 2. The provisions of this section shall apply to all forms of leasing and

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 rental agreements, including, but not limited to, contracts which provide the
21 consumer options to buy the leased or rented personal property, lease-purchase
22 agreements and rent-to-own contracts. For the purpose of determining if a
23 violation of this section has occurred, leasing contracts which provide options to
24 buy the merchandise are owned by the owner of the property until such time as
25 the owner endorses the sale and transfer of ownership of the leased property to
26 the lessee.

27 [2. It shall be prima facie evidence of the crime of failing to return leased
28 or rented property when a person who has leased or rented personal property of
29 another willfully fails to return or make arrangements acceptable with the lessor
30 to return the personal property to its owner at the owner's place of business
31 within ten days after proper notice following the expiration of the lease or rental
32 agreement] **3. Evidence that a lessee used a false, fictitious, or not**
33 **current name, address, or place of employment in obtaining the**
34 **property or that a lessee fails or refuses to return the property or pay**
35 **the lease charges to the lessor within seven days after written demand**
36 **for the return has been sent by certified mail, return receipt requested,**
37 **to the address the person set forth in the lease agreement, or in the**
38 **absence of the address, to the person's last known place of residence,**
39 **shall be evidence of intent to violate the provisions of this section,**
40 except that if [the] a motor vehicle has not been returned within seventy-two
41 hours after the expiration of the lease or rental agreement, such failure to return
42 the motor vehicle shall be prima facie evidence of the intent of the crime of
43 [failing to return] **stealing** leased or rented property. Where the leased or
44 rented property is a motor vehicle, if the motor vehicle has not been returned
45 within seventy-two hours after the expiration of the lease or rental agreement,
46 the lessor may notify the local law enforcement agency of the failure of the lessee
47 to return such motor vehicle, and the local law enforcement agency shall cause
48 such motor vehicle to be put into any appropriate state and local computer system
49 listing stolen motor vehicles. Any law enforcement officer which stops such a
50 motor vehicle may seize the motor vehicle and notify the lessor that he may
51 recover such motor vehicle after it is photographed and its vehicle identification
52 number is recorded for evidentiary purposes. Where the leased or rented
53 property is not a motor vehicle, if such property has not been returned within the
54 [ten-day] **seven-day** period prescribed in this subsection, the owner of the
55 property shall report the failure to return the property to the local law

56 enforcement agency, and such law enforcement agency may within five days
57 notify the person who leased or rented the property that such person is in
58 violation of this section, and that failure to immediately return the property may
59 subject such person to arrest for the violation.

60 [3.] 4. This section shall not apply if such personal property is a vehicle
61 and such return is made more difficult or expensive by a defect in such vehicle
62 which renders such vehicle inoperable, if the lessee shall notify the lessor of the
63 location of such vehicle and such defect before the expiration of the lease or rental
64 agreement, or within ten days after proper notice.

65 [4. Proper notice by the lessor shall consist of a written demand addressed
66 and mailed by certified or registered mail to the lessee at the address given at the
67 time of making the lease or rental agreement. The notice shall contain a
68 statement that the failure to return the property may subject the lessee to
69 criminal prosecution.]

70 5. Any person who has leased or rented personal property of another who
71 destroys such property so as to avoid returning it to the owner shall be guilty of
72 property damage pursuant to section 569.100 or 569.120, in addition to being in
73 violation of this section.

74 6. Venue shall lie in the county where the personal property was
75 originally rented or leased.

76 7. [Failure to return] **Stealing** leased or rented property is a class A
77 misdemeanor unless the property involved has a value of [five hundred] **one**
78 **thousand** dollars or more, in which case [failing to return] **stealing** leased or
79 rented property is a class C felony.

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