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Bill Analysis
Legislative Service Commission

H.B. 263

123rd General Assembly
(As Introduced)

**Reps. Cates, Allen, Boyd, Clancy, Corbin, DePiero, Krebs, Maier, Olman,
Pringle, Thomas, Winkler**

BILL SUMMARY

- Expands the circumstances that are considered to be evidence of an intent to commit theft of rented property to include absconding without paying the rental and knowingly failing to pay the rental as required by a contract of rental without reasonable excuse for the failure.

CONTENT AND OPERATION

Existing law

Under existing law, each of the following is considered evidence of an intent to commit theft of rented property (sec. 2913.72(A)):

(1) At the time of entering into the rental contract, the rentee presented the renter with identification that was materially false, fictitious, or not current with respect to name, address, place of employment, or other relevant information.

(2) After receiving a notice demanding the return of rented property, the rentee neither returned the rented property nor made arrangements acceptable with the renter to return the rented property.

To establish that a rentee has an intent to commit theft of rented property under paragraph (2), existing law authorizes a renter to issue a notice to a rentee demanding the return of rented property. The renter must mail the notice by certified mail, return receipt requested, to the rentee at the address the rentee gave when the rental contract was executed, or to the rentee at the last address the rentee or the rentee's agent furnished in writing to the renter. A demand for the return of rented property is not a prerequisite for the prosecution of a rentee for theft of rented property. The evidence specified in paragraphs (1) and (2), above, does not constitute the only evidence that may be considered as evidence of intent to commit theft of rented property. (Sec. 2913.72(B) and (C).)

For the purposes of this provision, "renter" means a person who owns rented property, and "rentee" means a person who pays consideration to a renter for the use of rented property (sec. 2913.72).

Operation of the bill

Under the bill, the following circumstances also are to be considered evidence of an intent to commit theft of rented property (sec. 2913.72(A)(2) and (3)):

(1) The rentee absconded without paying the rental.

(2) The rentee knowingly failed to pay the rental as required by a contract of rental without reasonable excuse for the failure.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-22-99	p. 330

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