



January 17, 2008

SENATE BILL No. 130

DIGEST OF SB 130 (Updated January 15, 2008 12:04 pm - DI 106)

Citations Affected: IC 35-43; noncode.

Synopsis: Conversion by failure to return rented property. Makes it a Class D felony if a person knowingly or intentionally fails to return a leased motor vehicle or item of personal property after delivery or attempted delivery of a notice by certified mail. Permits a court to enter a judgment of conviction for a Class A misdemeanor if the motor vehicle or item of personal property is returned or recovered within 90 days.

Effective: July 1, 2008.

Arnold, Steele

January 8, 2008, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
January 16, 2008, amended, reported favorably — Do Pass.

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SB 130—LS 6459/DI 106+



January 17, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

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SENATE BILL No. 130

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-43-4-3.3 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2008]: **Sec. 3.3. (a) If a person:**
4 **(1) leases:**
5 **(A) a motor vehicle; or**
6 **(B) any item of personal property with a value greater**
7 **than five thousand dollars (\$5,000);**
8 **under a written agreement to return the motor vehicle or item**
9 **of personal property to a specified location within a specified**
10 **time; and**
11 **(2) fails to return the motor vehicle or item of personal**
12 **property within the specified time;**
13 **the lessor shall comply with subsection (b).**
14 **(b) If a person fails to return a leased motor vehicle or item of**
15 **personal property as described in subsection (a), the lessor may**
16 **demand return of the motor vehicle or item of personal property**
17 **by:**

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- 1 (1) sending written notification of the violation of the
- 2 agreement to the person;
- 3 (2) including in the notice a request for return of the motor
- 4 vehicle or item of personal property within three (3) days
- 5 after receipt of the notice; and
- 6 (3) mailing the notice to the address given by the person in
- 7 writing to the lessor at the time the lease agreement was
- 8 signed.

9 **The lessor shall send the notice described by this subsection by**
 10 **certified mail, return receipt requested.**

11 (c) A person who knowingly or intentionally fails to return a
 12 leased motor vehicle or item of personal property described in
 13 subsection (a) within three (3) days after delivery or attempted
 14 delivery of the notice described in subsection (b) commits rental
 15 conversion, a Class D felony. However, notwithstanding
 16 IC 35-50-2-7(b), if the motor vehicle or item of personal property
 17 is returned or recovered within ninety (90) days after the motor
 18 vehicle or item of personal property was required to be returned
 19 under the written agreement, the court may enter judgment of
 20 conviction as a Class A misdemeanor and sentence accordingly.

21 (d) Failure to receive a notice properly mailed to the person's
 22 last known address is not a defense to a prosecution under
 23 subsection (c).

24 SECTION 2. [EFFECTIVE JULY 1, 2008] IC 35-43-4-3.3, as
 25 added by this act, applies only to crimes committed after June 30,
 26 2008.

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SENATE MOTION

Madam President: I move that Senator Steele be added as second author of Senate Bill 130.

ARNOLD

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 130, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 6, delete "provided" and insert "**given**".

Page 2, line 6, after "person" insert "**in writing to the lessor at the time the lease agreement was signed.**".

Page 2, delete line 7.

and when so amended that said bill do pass.

(Reference is to SB 130 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 6, Nays 0.

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