



January 25, 2010

HOUSE BILL No. 1198

DIGEST OF HB 1198 (Updated January 21, 2010 11:03 am - DI 44)

Citations Affected: IC 35-43; IC 36-8.

Synopsis: Criminal conversion of leased motor vehicles. Provides that evidence that a person: (1) acquired a motor vehicle by lease; (2) signed a written agreement to return the motor vehicle to a specified location within a specified time; and (3) failed to return the motor vehicle within 21 days after that time or five days after a written demand; constitutes prima facie evidence that the person knowingly or intentionally exerted unauthorized control over property of another person. Requires a city, town, or county law enforcement agency to report the theft of, or failure to return, leased motor vehicles to the National Crime Information Center.

Effective: July 1, 2010.

Steuerwald, Grubb, Lawson L

January 11, 2010, read first time and referred to Committee on Interstate and International Cooperation.
January 25, 2010, amended, reported — Do Pass.

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HB 1198—LS 6167/DI 69+



January 25, 2010

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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HOUSE BILL No. 1198



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, AS AMENDED BY P.L.143-2005,
- 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2010]: Sec. 3. (a) A person who knowingly or intentionally
- 4 exerts unauthorized control over property of another person commits
- 5 criminal conversion, a Class A misdemeanor.
- 6 (b) The offense under subsection (a) is a Class D felony if
- 7 committed by a person who exerts unauthorized control over the motor
- 8 vehicle of another person with the intent to use the motor vehicle to
- 9 assist the person in the commission of a crime.
- 10 (c) The offense under subsection (a) is a Class C felony if:
- 11 (1) committed by a person who exerts unauthorized control over
- 12 the motor vehicle of another person; and
- 13 (2) the person uses the motor vehicle to assist the person in the
- 14 commission of a felony.
- 15 **(d) Evidence that a person:**
- 16 **(1) acquired a motor vehicle by lease;**
- 17 **(2) signed a written agreement to return the motor vehicle to**

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1 a specified location within a specified time; and
 2 (3) failed to return the motor vehicle:
 3 (A) within twenty-one (21) days after the specified time; or
 4 (B) within five (5) days after a written demand for return
 5 of the motor vehicle was either:
 6 (i) personally served on the person; or
 7 (ii) sent by registered mail to the person's address that
 8 was provided by the person in the written agreement;
 9 constitutes prima facie evidence that the person knowingly or
 10 intentionally exerted unauthorized control over property of
 11 another person.

12 SECTION 2. IC 36-8-23 IS ADDED TO THE INDIANA CODE AS
 13 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 2010]:

15 **Chapter 23. Report of Stolen or Unreturned Leased Motor**
 16 **Vehicle**

17 **Sec. 1.** As used in this chapter, "local law enforcement agency"
 18 means the department or agency of a city, town, or county whose
 19 principal function is the apprehension of criminal offenders.

20 **Sec. 2.** A local law enforcement agency that receives a report,
 21 warrant, or other reliable information stating that a rental, for
 22 hire, or leased motor vehicle:

- 23 (1) has been stolen; or
 - 24 (2) has not been returned as set forth in IC 35-43-4-3(d);
- 25 shall immediately report the theft of, or failure to return, the
 26 motor vehicle to the National Crime Information Center.

27 **Sec. 3.** A local law enforcement agency that receives information
 28 concerning the recovery of a motor vehicle that the agency
 29 previously reported as stolen or not returned shall immediately
 30 report the recovery to the National Crime Information Center. The
 31 agency shall also attempt to notify the reporting party of the
 32 location and condition of the recovered motor vehicle by telephone,
 33 if the telephone number of the reporting party is available or
 34 readily accessible.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Interstate and International Cooperation, to which was referred House Bill 1198, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 15 through 17, begin a new paragraph and insert:

"(d) Evidence that a person:

- (1) acquired a motor vehicle by lease;**
- (2) signed a written agreement to return the motor vehicle to a specified location within a specified time; and**
- (3) failed to return the motor vehicle:**
 - (A) within twenty-one (21) days after the specified time; or**
 - (B) within five (5) days after a written demand for return of the motor vehicle was either:**
 - (i) personally served on the person; or**
 - (ii) sent by registered mail to the person's address that was provided by the person in the written agreement;**

constitutes prima facie evidence that the person knowingly or intentionally exerted unauthorized control over property of another person.

SECTION 2. IC 36-8-23 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 23. Report of Stolen or Unreturned Leased Motor Vehicle

Sec. 1. As used in this chapter, "local law enforcement agency" means the department or agency of a city, town, or county whose principal function is the apprehension of criminal offenders.

Sec. 2. A local law enforcement agency that receives a report, warrant, or other reliable information stating that a rental, for hire, or leased motor vehicle:

- (1) has been stolen; or**
- (2) has not been returned as set forth in IC 35-43-4-3(d);**

shall immediately report the theft of, or failure to return, the motor vehicle to the National Crime Information Center.

Sec. 3. A local law enforcement agency that receives information concerning the recovery of a motor vehicle that the agency previously reported as stolen or not returned shall immediately report the recovery to the National Crime Information Center. The agency shall also attempt to notify the reporting party of the location and condition of the recovered motor vehicle by telephone,

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if the telephone number of the reporting party is available or readily accessible."

Delete page 2.

and when so amended that said bill do pass.

(Reference is to HB 1198 as introduced.)

HARRIS, Chair

Committee Vote: yeas 12, nays 0.

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