

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative Pilon offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 70-104 and insert:

7 (4) EVIDENCE.—

8 (a) In prosecutions under this section, obtaining the
 9 property or equipment under false pretenses; absconding without
 10 payment; or removing or attempting to remove the property or
 11 equipment from the county without the express written consent of
 12 the lessor, is prima facie evidence of fraudulent intent.

13 (b) In a prosecution under subsection (3), failure to
 14 redeliver the property or equipment within 5 days after
 15 receiving the demand for return from a courier service with
 16 tracking capability or by certified mail, return receipt
 17 requested, after receipt of, or within 5 days after delivery by
 18 the courier service or return receipt from~~7~~ the certified
 19 mailing of the demand for return is prima facie evidence of

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20 abandonment or refusal to redeliver the property. Notice mailed
21 by a courier service with tracking capabilities or by certified
22 mail, return receipt requested, to the address given by the
23 renter at the time of rental shall be deemed sufficient and
24 equivalent to notice having been received by the renter, if
25 ~~should~~ the notice is ~~be~~ returned undelivered.

26 (c) In a prosecution under subsection (3), failure to pay
27 any amount due which is incurred as the result of the failure to
28 redeliver property or equipment after the rental period expires,
29 and after the demand for return is made, is prima facie evidence
30 of abandonment or refusal to redeliver the property or
31 equipment. Amounts due include unpaid rental for the time period
32 during which the property or equipment was not returned and
33 include the lesser of the cost of repairing or replacing the
34 property or equipment if it has been damaged.

35 (5) DEMAND FOR RETURN.—Demand for return of overdue
36 property or equipment and for payment of amounts due may be made
37 in person, by hand delivery, courier service with tracking
38 capabilities, or by certified mail, return receipt requested,
39 addressed to the lessee's address shown in the rental contract.

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43 **T I T L E A M E N D M E N T**

44 Remove lines 7-10 and insert:
45 providing examples of prima facie evidence to be used in
46 prosecutions of this section;