

SENATE BILL NO. 83

INTRODUCED BY MAZUREK

IN THE SENATE

January 8, 1981	Introduced and referred to Committee on Judiciary.
January 19, 1981	Committee recommend bill do pass as amended. Report adopted.
January 20, 1981	Bill printed and placed on members' desks.
January 21, 1981	Second reading, do pass.
January 22, 1981	Considered correctly engrossed. On motion taken from third reading and referred to second reading this legislative day. Motion adopted. Second reading, do pass as amended.
January 23, 1981	Correctly engrossed.
January 24, 1981	Third reading, passed. Transmitted to House.

IN THE HOUSE

January 26, 1981	Introduced and referred to Committee on Judiciary.
March 4, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 5, 1981	Motion pass consideration.
March 6, 1981	Second reading, concurred in. Segregated.

March 7, 1981	Referred back to Committee on Judiciary.
March 14, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 18, 1981	Second reading, concurred in.
March 20, 1981	Third reading, concurred in as amended. Ayes, 86; Noes, 7.

IN THE SENATE

March 21, 1981	Returned from House with amendments.
March 23, 1981	On motion, consideration be passed for the day.
March 24, 1981	Second reading, amendments concurred in.
March 26, 1981	Third reading, amendments concurred in. Ayes, 46; Noes, 0. Sent to enrolling. Reported correctly enrolled.

1 INTRODUCTION BY *Sen. Maryanne* BILL NO. 83

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE
5 CRIMINAL OFFENSE OF FAILURE TO RETURN RENTED OR LEASED
6 PERSONAL PROPERTY; AND ESTABLISHING A PENALTY THEREFOR."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Failure to return rented or leased personal
10 property. (1) A person commits the offense of failure to
11 return rented or leased personal property if, without notice
12 to and permission of the lessor, he knowingly fails to
13 return such property within 48 hours after the time provided
14 for such return in the rental agreement, provided that clear
15 written notice, in bold print, of the date and time when
16 return of the property is required and of the penalty
17 prescribed in this section is stated in the rental or lease
18 agreement.

19 (2) Presentation to the lessor by the lessee of
20 identification that is false or not current as to name,
21 address, place of employment, or other items of
22 identification for the purpose of obtaining a rental or
23 lease agreement constitutes prima facie evidence of
24 commission of the offense.

25 (3) After the rental or lease period specified in the

1 rental or lease agreement has expired, failure to return
2 rented or leased personal property within 72 hours of
3 written demand by the lessor, sent by certified mail to the
4 renter or lessee at the address given at the time of
5 entering the rental or lease agreement, constitutes prima
6 facie evidence of commission of the offense.

7 (3) (a) A person convicted of failure to return rented
8 or leased personal property not exceeding \$150 in value
9 shall be fined not to exceed \$500 or be imprisoned in the
10 county jail for a term not to exceed 6 months, or both.

11 (b) A person convicted of failure to return rented or
12 leased personal property exceeding \$150 in value shall be
13 imprisoned in the state prison for a term not to exceed 10
14 years.

-End-

Approved by Committee
on Judiciary

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 2 INTRODUCED BY MAZUREK
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-End-

SECOND READING

SENATE BILL NO. 83
INTRODUCED BY MAZUREK

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE
CRIMINAL OFFENSE OF FAILURE TO RETURN RENTED OR LEASED
PERSONAL PROPERTY; AND ESTABLISHING A PENALTY THEREFOR."

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or leased personal property not exceeding \$150 in value
shall be fined not to exceed \$500 or be imprisoned in the
county jail for a term not to exceed 6 months, or both.

(b) A person convicted of failure to return rented or
leased personal property exceeding \$150 in value shall be
imprisoned in the state prison for a term not to exceed 10
years.

-End-

THIRD READING

1 SENATE BILL NO. 83

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE
5 CRIMINAL OFFENSE OF FAILURE TO RETURN RENTED OR LEASED
6 PERSONAL PROPERTY; AND ESTABLISHING A PENALTY THEREFOR."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Failure to return rented or leased personal
10 property. (1) A person commits the offense of failure to
11 return rented or leased personal property if, without notice
12 to and permission of the lessor, he PURPOSELY AND knowingly
13 fails to return such property within 48 hours after the time
14 provided for such return in the rental agreement, provided
15 that clear written notice, in bold print, of the date and
16 time when return of the property is required and of the
17 penalty prescribed in this section is stated in the rental
18 or lease agreement.

19 (2) Presentation to the lessor by the lessee of
20 identification that is false ~~or--not-current-as-to-namey~~
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3 written demand by the lessor, sent by certified mail to the
4 renter or lessee at the address given at the time of
5 entering the rental or lease agreement, constitutes prima
6 facie evidence of commission of the offense.

7 (4) (a) A person convicted of failure to return rented
8 or leased personal property not exceeding \$150 in value
9 shall be fined not to exceed \$500 or be imprisoned in the
10 county jail for a term not to exceed 6 months, or both.

11 (b) A person convicted of failure to return rented or
12 leased personal property exceeding \$150 in value shall be
13 imprisoned in the state prison for a term not to exceed 10
14 years.

-End-

SECOND PRINTING
THIRD READING

1 SENATE BILL NO. 83

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE
5 CRIMINAL OFFENSE OF FAILURE TO RETURN RENTED OR LEASED
6 PERSONAL PROPERTY; AND ESTABLISHING A PENALTY THEREFOR; AND
7 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Failure to return rented or leased personal
11 property. (1) A person commits the offense of failure to
12 return rented or leased personal property if, without notice
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11 county jail for a term not to exceed 6 months, or both.

12 (b) A person convicted of failure to return rented or
13 leased personal property exceeding \$150 in value shall be
14 imprisoned in the state prison for a term not to exceed 10
15 years.

16 SECTION 2. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON
17 PASSAGE AND APPROVAL.

-End-

HOUSE AMENDMENTS TO

SENATE

Bill No. 83

Respectfully report as follows: That.....

BE AMENDED AS FOLLOWS:

1. Title, line 6.

Following: ";"

Strike: "AND"

Following: "THEREFOR"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2.

Following: line 14

Insert: "Section 2. Effective date. This act is effective on passage and approval."

~~XXXXXX~~
~~NO PASS~~

AS AMENDED BE CONCURRED IN

Kerry Keyser
KERRY KEYSER,

Chairman
Chairman.