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SENATE BILL NO. 135

Offered January 10, 1996

A *BILL to amend and reenact § 18.2-118 of the Code of Virginia, relating to theft of rental property; penalty.*

Patron—Colgan

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-118 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-118. Fraudulent conversion or removal of leased personal property.

(a) Whenever any person is in possession or control of any personal property, by virtue of or subject to a written lease of such property, except property described in § 18.2-117, and such person so in possession or control shall, with intent to defraud, sell, secrete, or destroy the property, or dispose of the property for his own use, or fraudulently remove the same from the Commonwealth without the written consent of the lessor thereof, or fail to return such property to the lessor thereof within ten days after expiration of the lease or rental period for such property stated in such written lease, he shall be deemed guilty of the larceny thereof.

(b) The fact that such person (i) signs the lease or rental agreement with a name other than his own, ~~or~~ (ii) fails to return such property to the lessor thereof within ten days after the giving of written notice to such person that the lease or rental period for such property has expired, or (iii) *after having returned the property, fails to make payment at the agreed upon rate for the full period for which the property was leased or rented, except when there is a good faith dispute with the owner as to whether any payment or additional payment is due*, shall be prima facie evidence of intent to defraud. For purposes of this section, notice mailed by certified mail and addressed to such person at the address of the lessee stated in the lease, shall be sufficient giving of written notice under this section.

(c) The venue of prosecution under this section shall be the county or city in which such property was leased or in which such accused person last had a legal residence.

2. That the provisions of this act may result in a net increase in periods of imprisonment in state correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is

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