

BILL ANALYSIS

H.B. 275
By: Keel
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Failure to return property held under a rental agreement or failure to make a payment under a service agreement is currently an offense under Section 31.04, of the Penal Code. The statute currently presumes intent to avoid payment if the actor fails to return the property or fails to make payment under an agreement within 10 days after receiving notice demanding return or payment. Allowing this amount of time for payment or return of the property following receipt of notice of demand decreases the chance of recovery of the rental items by the rightful owner. As a result, the rental industry is experiencing an increasing loss of valuable tools and equipment.

House Bill 275 allows prosecution of this offense in cases where a person fails to return rental property within 5 days after receiving the required notice of demand if the value of the property is less than \$1,500 or within 3 days after receiving the required notice of demand if the value of the property is \$1,500 or greater.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 275 amends the Penal Code to decrease the amount of time required for returning property held under a rental agreement, after receiving notice demanding return, from within 10 days to within five days if the property is valued at less than \$1,500 or within three days if valued at \$1,500 or more. Failure to comply is presumed to be an intent to avoid payment.

EFFECTIVE DATE

September 1, 2003.