



House of Representatives

General Assembly

File No. 499

February Session, 2006

Substitute House Bill No. 5611

House of Representatives, April 12, 2006

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE FAILURE TO RETURN RENTAL PROPERTY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-126b of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) A person is guilty of criminal trover in the second degree when,
4 knowing that [he] such person is not licensed or privileged to do so,
5 [he] such person uses the personal property of another without the
6 consent of such owner, and such use results in damage to or
7 diminishes the value of such property or subjects such owner to
8 economic loss, fine or other penalty.

9 (b) For the purposes of this section, "economic loss" includes
10 uncompensated economic loss that exceeds five hundred dollars
11 suffered by an owner of personal property who is engaged in the
12 business of renting or leasing personal property when a person to
13 whom such owner has rented or leased such property pursuant to a

14 written agreement providing for the return of such property at a
15 specified time fails to return such property within one hundred twenty
16 hours after the owner sends a written demand to such person for the
17 return of such property by registered mail addressed to such person at
18 such person's address as shown in the written agreement, unless a
19 more recent address is known to the owner. Acknowledgment of the
20 receipt of such written demand by such person shall not be necessary
21 to establish that one hundred twenty hours have passed since such
22 written demand was sent. The provisions of this subsection shall not
23 apply to personal property that is rented or leased (1) for personal,
24 family or household purposes, or (2) pursuant to chapter 743i.

25 [(b)] (c) Criminal trover in the second degree is a class A
26 misdemeanor.

27 Sec. 2. Subdivision (13) of section 53a-119 of the 2006 supplement to
28 the general statutes is repealed and the following is substituted in lieu
29 thereof (*Effective October 1, 2006*):

30 (13) Conversion of leased property. (A) A person is guilty of
31 conversion of leased personal property who, with the intent of
32 converting the same to his own use or that of a third person, after
33 renting or leasing such property under an agreement in writing which
34 provides for the return of such property to a particular place at a
35 particular time, sells, conveys, conceals or aids in concealing such
36 property or any part thereof, and who thereafter fails to return such
37 property to the agreed place or to any other place of business of the
38 lessor within one hundred ninety-two hours after the lessor shall have
39 sent a written demand to him for the return of the property by
40 registered or certified mail addressed to him at his address as shown in
41 the written agreement, unless a more recent address is known to the
42 lessor. Acknowledgment of the receipt of such written demand by the
43 lessee shall not be necessary to establish that one hundred ninety-two
44 hours have passed since such written demand was sent. (B) Any
45 person, being in possession of personal property other than wearing
46 apparel, received upon a written lease, who, with intent to defraud,

47 sells, conveys, conceals or aids in concealing such property, or any part
 48 thereof, shall be prima facie presumed to have done so with the
 49 intention of converting such property to his own use. (C) A person
 50 who uses a false or fictitious name or address in obtaining such leased
 51 personal property shall be prima facie presumed to have obtained such
 52 leased personal property with the intent of converting the same to his
 53 own use or that of a third person. (D) "Leased personal property", as
 54 used in this subdivision, means any personal property received
 55 pursuant to a written contract, by which one owning such property,
 56 the lessor, grants to another, the lessee, the right to possess, use and
 57 enjoy such personal property for a specified period of time for a
 58 specified sum, but does not include personal property that is rented or
 59 leased pursuant to chapter 743i.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	53a-126b
Sec. 2	October 1, 2006	53a-119(13)

Statement of Legislative Commissioners:

In section 2, "one hundred twenty hours" was changed to "one hundred ninety-two hours" to conform to the existing statutory time period.

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes minor and clarifying changes that are not expected to substantially affect the number of individuals prosecuted or convicted of various forms of larceny or criminal trover in the second degree. Consequently, there is no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5611*****AN ACT CONCERNING THE FAILURE TO RETURN RENTAL PROPERTY.*****SUMMARY:**

This bill excludes personal property rented or leased under consumer rent-to-own agreements from the types of leased personal property subject to criminal penalties for the crime of "conversion of leased property." By law, a person commits this crime if he (1) rents or leases the property under a written agreement to return it to a particular place at a particular time; (2) intends to convert the property to his own or another's use; (3) sells, conveys, conceals, or aids in concealing the property; and (4) fails to return it to the agreed place or other place of business within 192 hours (eight days) after the lessor sends a written demand by registered or certified mail to the address on the agreement or a more recent address known to the lessor.

The bill modifies the elements of this crime by specifying that acknowledgement of receipt of the demand is not necessary to show that the 192 hours have passed.

By law, someone commits the crime of "criminal trover in the 2nd degree" when, knowing he is not licensed or privileged to do so, he uses another's personal property without consent and damages or diminishes its value or causes economic loss, fine, or penalty. The bill provides that "economic loss" includes situations in which:

1. a property owner is in the business of renting or leasing personal property,
2. the person who rented or leased the property did so under a written agreement requiring its return at a specified time,

3. the person does not return it within 120 hours after the owner sends a written demand for return of the property by registered mail to the person's address in the agreement unless a most recent address is known (acknowledgement of the receipt of the notice is not necessary to establish that 120 hours have passed since the written demand was sent),
4. the owner suffers over \$500 of uncompensated economic loss, and
5. the property is not for personal or household purposes or rented or leased under a consumer rent-to-own agreement.

EFFECTIVE DATE: October 1, 2006

BACKGROUND

Penalties

Conversion of leased personal property is a form of larceny. The punishment for larceny depends on the value of the property taken, ranging from a class C misdemeanor (up to three months in prison, a fine of up to \$500, or both) when the value of the property is up to \$250 to a class B felony (up to 20 years in prison, a fine of up to \$15,000, or both) when the value of the property is over \$10,000.

Second-degree criminal trover is a class A misdemeanor, punishable by up to one year in prison, a fine of up to \$2,000, or both.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 35 Nay 2 (03/27/2006)