



General Assembly

February Session, 2006

**Substitute Bill No. 5611**

\*        HB05611JUD        032706        \*

**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 Section 53a-126b of the general statutes is repealed and  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28 the general statutes is repealed and the following is substituted in lieu  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	<i>October 1, 2006</i>	53a-126b
Sec. 2	<i>October 1, 2006</i>	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.*