

BILL ANALYSIS

Senate Research Center
78R1895 KCR-F

S.B. 380
By: Armbrister
Criminal Justice
4/22/2003
As Filed

DIGEST AND PURPOSE

Current law allows a prosecutor to file charges on a person who fails to pay rental charges 10 days after receiving notice via return-receipt requested mail. As proposed, S.B. 380 allows prosecution in cases where a person, after receiving the required return-receipt requested notice, fails to return rental property within five days after receiving the notice if the property is worth less than \$1500 or within three days if the value is \$1500 or greater.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 31.04(b) and (c), Penal Code, as follows:

(b) Provides for the purposes of this section, an intent to avoid payment is presumed if the actor, after receiving notice demanding return, fails to return, within five days, rented property that is less than \$1,500 in value; or fails to return, within three days, rented property that is valued at \$1,500 or more. Deletes existing text providing that intent to avoid payment is presumed if the actor failed to return property held under a rental agreement within 10 days of receiving notice demanding return. Makes nonsubstantive changes.

(c) Requires the notice to be written and sent by registered or certified mail with return receipt requested or by telegram with report of delivery requested, and addressed to the actor at his address shown on the rental agreement or service agreement, for the purposes of Subsections (a)(4), (b)(2), and (b)(4). Makes nonsubstantive changes.

SECTION 2. Effective date: September 1, 2003.

SECTION 3. Makes application of this Act prospective.