
SENATE BILL NO. 364—SENATOR SHAFFER

MARCH 10, 1999

JOINT SPONSOR: ASSEMBLYWOMAN OHRENSCHALL

Referred to Committee on Judiciary

SUMMARY—Revises provisions regarding theft of certain property. (BDR 15-1569)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to crimes; revising provisions regarding theft of leased personal property; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 205.940 is hereby amended to read as follows:
2 205.940 1. Any person who in renting or leasing any personal
3 property ~~obtains~~ :
4 ***(a) Obtains*** or retains possession of such personal property ***with the***
5 ***intent to permanently deprive the owner of the property, without the***
6 ***permission of the owner; or***
7 ***(b) Obtains or retains possession of such personal property*** by means
8 of any false or fraudulent representation, fraudulent concealment, false
9 pretense or personation, trick, artifice or device, including, but not limited
10 to, a false representation as to his name, residence, employment or
11 operator's license,
12 is guilty of larceny and shall be punished as provided in NRS 205.2175 to
13 205.2707, inclusive. It is a complete defense to any civil action arising out
14 of or involving the arrest or detention of any person renting or leasing
15 personal property that any representation made by him in obtaining or
16 retaining possession of the personal property is contrary to the fact.

1 2. Any person who, after renting or leasing any personal property
2 under an agreement in writing which provides for the return of the personal
3 property to a particular place at a particular time , fails to return the
4 personal property to such place within the time specified ~~[, and who,]~~ with
5 the intent to defraud the lessor or to retain possession of such property
6 without the lessor's permission ~~[, thereafter fails]~~ , **is guilty of larceny and**
7 **shall be punished as provided in NRS 205.2175 to 205.2707, inclusive.**
8 **Failure** to return such property to any place of business of the lessor within
9 ~~[72]~~ **48** hours after a written demand for the return of such property is made
10 upon him by registered mail addressed to his address as shown in the
11 written agreement, or in the absence of such address, to his last known
12 place of residence, ~~[is guilty of larceny and shall be punished as provided in~~
13 ~~NRS 205.2175 to 205.2707, inclusive. The failure to return the personal~~
14 ~~property to the place specified in the agreement]~~ is prima facie evidence of
15 an intent to defraud the lessor or to retain possession of such property
16 without the lessor's permission. It is a complete defense to any civil action
17 arising out of or involving the arrest or detention of any person upon whom
18 such demand was made that he failed to return the personal property to any
19 place of business of the lessor within 20 days after such demand.
20 **Sec. 2.** The amendatory provisions of this act do not apply to offenses
21 that were committed before October 1, 1999.