

LEGISLATIVE BILL 606

Approved by the Governor March 1, 1988

Introduced by Ashford, 6

AN ACT relating to crimes and penalties; to amend section 28-511, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to theft; and to repeal the original section. Be it enacted by the people of the State of Nebraska,

Section 1. That section 28-511, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-511. (1) A person is guilty of theft if he or she takes, or exercises control over, movable property of another with the intent to deprive him or her thereof.

(2) A person is guilty of theft if he or she transfers immovable property of another or any interest therein with the intent to benefit himself or herself or another not entitled thereto.

(3) For the purposes of this section Except as provided in subsection (4) of this section, it shall be presumed that a lessee's failure to return leased or rented movable property to the lessor after the expiration of a written lease or written rental agreement is done with intent to deprive if such lessee has been mailed notice by certified mail that such lease or rental agreement has expired and he or she has failed within ten days after such notice to return such property.

(4) A person is guilty of theft if he or she (a) rents or leases a motor vehicle under a written lease or rental agreement specifying the time and place for the return of the vehicle and fails to return the vehicle within seventy-two hours of written demand for return of the vehicle made upon him or her by certified mail to the address given by him or her for such purpose or (b) uses a fraudulent or stolen credit card to rent or lease a vehicle. Nothing in this subsection shall apply to any person who (i) through inadvertence, mistake, act of God, or other natural occurrence has unintentionally failed to return a rented motor vehicle or to inform the owner of the location of the vehicle or (ii) has had a rented motor vehicle stolen or otherwise converted from his or her possession and has filed the

appropriate report with law enforcement authorities.

Sec. 2. That original section 28-511, Reissue Revised Statutes of Nebraska, 1943, is repealed.