

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

319U0632

HOUSE BILL NO. 1177

Introduced by: Representatives Craig, Cammack, Dryden, Qualm, and Schaefer and Senator Jensen

1 FOR AN ACT ENTITLED, An Act to criminalize the failure to return rented or leased property
2 and to provide a penalty therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Any person who purposely and knowingly fails to return rented or leased personal
5 property exceeding one thousand five hundred dollars in value within forty-eight hours of the
6 time provided for return in the rental agreement without notice to and permission from the lessor
7 is guilty of failure to return rented or leased personal property, provided that the lessor give the
8 lessee clear, written notice, in bold print, of the date and time the property is required to be
9 returned and the penalty for failure to return the property on time. The failure to return rented
10 or leased property in violation of this section is a Class 6 felony.

11 The presentation of false identification information to the lessor by the lessee for the purpose
12 of obtaining a rental or lease agreement is prima facie evidence that the failure to return the
13 rented or leased property was engaged in purposefully and knowingly.

14 The failure by the lessee to return rented or leased property within seventy-two hours of
15 written demand by the lessor, sent by certified mail after the expiration of the lease to the renter



1 or lessee at the address given in the rental agreement or lease, is prima facie evidence of a
2 violation of this Act.