

House Bill 236

By: Representatives Lane of the 158<sup>th</sup>, Stephens of the 164<sup>th</sup>, Barnard of the 166<sup>th</sup>, and Burns of the 157<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to theft, so as to provide that a rebuttable presumption that services,  
3 accommodations, entertainment, or the use of personal property which is available only for  
4 compensation was knowingly obtained by deception and with intent to avoid payment shall  
5 arise upon a showing that the person obtaining such services, accommodations,  
6 entertainment, or the use of personal property used false identification, provided false  
7 information on a written contract, made any payment with an insufficient check, or returned  
8 any personal property to a place, at a time, or in a manner other than as agreed upon; to  
9 repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to theft,  
13 is amended by striking in its entirety Code Section 16-8-5, relating to theft of services, and  
14 inserting in lieu thereof the following:

15 "16-8-5.

16 (a) A person commits the offense of theft of services when by deception and with the  
17 intent to avoid payment he knowingly obtains services, accommodations, entertainment,  
18 or the use of personal property which is available only for compensation.

19 (b) A rebuttable presumption that services, accommodations, entertainment, or the use of  
20 personal property which is available only for compensation was knowingly obtained by  
21 deception and with intent to avoid payment shall arise upon a showing that the person  
22 obtaining such services, accommodations, entertainment, or the use of personal property:

23 (1) Used false identification;

24 (2) Provided substantially false information on a written contract;

(3) Made any payment with any check or draft made payable at sight, on demand, or on a date not subsequent to the date when the same was drawn, which check or draft payment was refused on presentation; or

(4) Returned any personal property to a place, at a time, or in a manner other than as provided in the contract or agreement with the lender or lessee of such personal property."

## SECTION 2.

7 All laws and parts of laws in conflict with this Act are repealed.