

House Bill 236 (AS PASSED HOUSE AND SENATE)

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

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 for proof of intent to avoid payment under certain
3 circumstances; to provide for exceptions; to provide for related matters; to repeal conflicting
4 laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to theft,
8 is amended by inserting immediately following Code Section 16-8-5 a new Code section to
9 read as follows:

10 "16-8-5.1.

11 The trier of fact may infer that the accused intended to avoid payment due for the rental or
12 lease of any personal property in any prosecution pursuant to Code Sections 16-8-2,
13 relating to theft by taking, 16-8-3, relating to theft by deception, 16-8-4, relating to theft
14 by conversion, or 16-8-5, relating to theft of services, if a person knowingly:

- 15 (1) Used false identification;
- 16 (2) Provided false information on a written contract;
- 17 (3) Made, drew, uttered, executed, or delivered an instrument for the payment of money
18 on any bank or other depository in exchange for present consideration, knowing that it
19 would not be honored by the drawee;
- 20 (4) Abandoned any property at a location that is not the location agreed upon for return
21 and that would not be reasonably known to the owner;
- 22 (5) Returned any property to a location that would not reasonably be known to the owner
23 without notifying the owner; or
- 24 (6) Returned any property at a time beyond posted business hours of the owner.

25 No person shall be convicted under Code Sections 16-8-2, relating to theft by taking,
26 16-8-3, relating to theft by deception, 16-8-4, relating to theft by conversion, or 16-8-5,

1 relating to theft of services, where there was an agreement to delay payment for such
2 property or services or the accused makes payment in full within two business days after
3 returning the property or obtaining the services.”

4 **SECTION 2.**

5 All laws and parts of laws in conflict with this Act are repealed.