**A** **BILL**

TO AMEND SECTION 16‑13‑420, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FAILURE TO RETURN LEASED OR RENTED PROPERTY, SO AS TO RESTRUCTURE THE PENALTY WHEN THE VALUE OF THE PROPERTY IS TWO THOUSAND DOLLARS OR LESS AND PROVIDE THAT A PERSON CHARGED WITH A VIOLATION MUST BE ISSUED A COURTESY SUMMONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 16‑13‑420 of the 1976 Code, as last amended by Act 273 of 2010, is further amended to read:

“Section 16‑13‑420. (A) A person having any property in his possession or under his control by virtue of a lease or rental agreement is guilty of larceny if he:

(1) wilfully and fraudulently fails to return the property within seventy‑two hours after the lease or rental agreement has expired;

(2) fraudulently secretes or appropriates the property to any use or purpose not within the due and lawful execution of the lease or rental agreement.

The provisions of this section do not apply to lease‑purchase agreements or conditional sales type contracts.

(B) A person who violates the provisions of this section is guilty of a:

(1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the value of the rented or leased item is ten thousand dollars or more;

(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the value of the rented or leased item is more than two thousand dollars but less than ten thousand dollars;

(3) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, if the value of the rented or leased item is two thousand dollars or less. Upon conviction, the person must be fined not more than ~~one~~ two thousand dollars or ~~imprisoned not more than thirty days, or both~~ the actual value of the rented or leased item, whichever is less. A person charged with a violation of this item must be issued a courtesy summons pursuant to the provisions of Sections 22‑3‑330 and 22‑5‑115.”

SECTION 2. This act takes effect upon approval by the Governor.

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