

514.020 General provisions.

- (1) It is a defense to prosecution for theft that the actor:
 - (a) Was unaware that the property or service was that of another; or
 - (b) Acted under a claim of right to the property or service involved or a claim that he had a right to acquire or dispose of it as he did; or
 - (c) Took property exposed for sale, intending to purchase and pay for it promptly, or reasonably believing that the owner, if present, would have consented.
- (2) It is no defense that theft was from the actor's spouse, except that misappropriation of household and personal effects or other property normally accessible to both spouses is theft only if it involves the property of the other spouse and only if it occurs after the parties have ceased living together.
- (3) It shall be prima facie evidence of intent to commit theft by deception when one who has leased or rented the personal property of another fails to return the personal property to its owner within ten (10) days after the lease or rental agreement has expired. It shall also be prima facie evidence of intent to commit theft by deception when one presents to the owner identification which is false, fictitious or not current as to name, address, place of employment or other items of identification for the purpose of obtaining the lease or rental agreement. Nothing herein contained shall relieve the owner from making demand for return of property so leased or rented. Notice addressed and mailed to the lessee or renter at the address given at the time of the making of the lease or rental agreement shall constitute proper demand.

Effective: July 15, 1980

History: Amended 1980 Ky. Acts ch. 267, sec. 3, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 78, sec. 3, effective June 17, 1978. -- Created 1974 Ky. Acts ch. 406, sec. 118, effective January 1, 1975.

Legislative Research Commission Note. Although this section is included in Acts 1980, ch. 267, the proposed change was deleted by floor amendment.