

1 H.255

2 Introduced by Representatives Consejo of Sheldon, Devereux of Mount Holly,

3 Hubert of Milton, Scheuermann of Stowe and Townsend of

4 Randolph

5 Referred to Committee on

6 Date:

7 Subject: Crimes and criminal procedure; frauds; bad checks

8 Statement of purpose: This bill proposes to require a state's attorney to
9 prosecute bad check violations when the combined amount of a person's
10 multiple bad checks exceeds \$100.00.

11 An act relating to bad checks

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 13 V.S.A. § 2022 is amended to read:

14 § 2022. BAD CHECKS

15 (a) A person who issues or passes a check or similar sight order for the
16 payment of money, knowing that it will not be honored by the drawee, shall be
17 imprisoned for not more than one year or fined not more than \$1,000.00 or
18 both. The court shall order restitution in the amount of the check or order,
19 together with a service charge not to exceed \$5.00, if it is established that the
20 defendant has the ability to pay. For the purposes of this section, it may be

1 inferred that the issuer knew that the check or order, other than a post-dated
2 check or order, would not be paid if:

3 (1) the issuer had no account with the drawee at the time the check or
4 order was issued; or

5 (2) the issuer had insufficient funds with the drawee at the time the
6 check or order was issued or presented for payment, ~~and~~

7 ~~(A) the check or order was presented to the drawee for payment not~~
8 ~~more than 30 days after the date of issuance, and~~

9 ~~(B) payment was refused by the drawee for reasons other than seizure~~
10 ~~or attachment of the issuer's funds by order of a court or authorized~~
11 ~~governmental agency, and~~

12 ~~(C) the issuer or a person acting in his behalf failed to make full~~
13 ~~satisfaction of the amount of the check or order within 10 days after receiving~~
14 ~~notice of its dishonor by the drawee.~~

15 (b) When the combined amount of a person's multiple unprosecuted bad
16 checks exceeds \$100.00, the state's attorney shall cause appropriate
17 proceedings to be instituted and prosecuted in the proper courts without delay.

18 (c) A person who commits a second or subsequent violation of this section
19 shall not be eligible for court diversion.