



28 property, or other thing of value or paying for any services, wages, salary, labor, or rent,  
29 knowing it will not be paid by the drawee and payment is refused by the drawee, is guilty of  
30 issuing a bad check or draft.

31 (b) For purposes of this subsection, a person who issues a check or draft for which  
32 payment is refused by the drawee is presumed to know the check or draft would not be paid if  
33 he had no account with the drawee at the time of issue.

34 [~~(2) Any person who issues or passes a check or draft for the payment of money, for  
35 the purpose of obtaining from any person, firm, partnership, or corporation, any money,  
36 property, or other thing of value or paying for any services, wages, salary, labor, or rent,  
37 payment of which check or draft is legally refused by the drawee, is guilty of issuing a bad  
38 check or draft if he fails to make good and actual payment to the payee in the amount of the  
39 refused check or draft within 14 days of his receiving actual notice of the check or draft's  
40 nonpayment.~~]

41 [(3)] (2) An offense of issuing a bad check or draft shall be punished as follows:

42 (a) If the check or draft or series of checks or drafts made or drawn in this state within  
43 a period not exceeding six months amounts to a sum that is less than \$300, the offense is a  
44 class B misdemeanor.

45 (b) If the check or draft or checks or drafts made or drawn in this state within a period  
46 not exceeding six months amounts to a sum that is or exceeds \$300 but is less than \$1,000, the  
47 offense is a class A misdemeanor.

48 (c) If the check or draft or checks or drafts made or drawn in this state within a period  
49 not exceeding six months amounts to a sum that is or exceeds \$1,000 but is less than \$5,000,  
50 the offense is a felony of the third degree.

51 (d) If the check or draft or checks or drafts made or drawn in this state within a period  
52 not exceeding six months amounts to a sum that is or exceeds \$5,000, the offense is a second  
53 degree felony.

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**Legislative Review Note**

as of 12-3-03 12:49 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

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**Fiscal Note****Issuing a Bad Check or Draft***20-Jan-04***Bill Number SB0095***11:11 AM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**No fiscal impact.

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**Office of the Legislative Fiscal Analyst**