

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

House BILL NO. *194*
South *July* **VINCENT** *Fuller*
Travis M. Lewis

INTRODUCED BY
A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 94-6-309, R.C.M. 1947, BY MAKING THE ISSUING OF A CHECK ON AN INSUFFICIENTLY FUNDED ACCOUNT AN OFFENSE ONLY WHERE IT IS PART OF A COMMON SCHEME."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 94-6-309, R.C.M. 1947, is amended to read as follows:

"94-6-309. Issuing a bad check. (1) A person commits the offense of issuing a bad check when, with the purpose of obtaining control over property or to secure property, labor or services of another, he issues or delivers a check or other order upon a real or fictitious depository for the payment of money, knowing that it will not be paid by the depository, except that a check issued on an existing account which does not have funds sufficient to pay the full amount of the check shall constitute an offense only if it is part of a common scheme to secure property, labor or services of another.

~~(2)-if-the-offender-has-an-account-with-the-depository, failure-to-make-good-the-check-or-other-order-within-five (5)-days-after-written-notice-of-nonpayment-has-been~~

1
2
3
4
5
6
7
8
9
10
11

~~received-by-the-issuer-is-prima-facie-evidence-that-he-knew that-it-would-not-be-paid-by-the-depository.~~

~~(2)~~ (2) A person convicted of issuing a bad check shall be fined not to exceed five hundred dollars (\$500) or be imprisoned in the county jail for any term not to exceed six (6) months, or both. If the offender has engaged in issuing bad checks which are part of a common scheme, or if the value of any property, labor or services obtained, or attempted to be obtained exceeds one hundred fifty dollars (\$150), he shall be imprisoned in the state prison for any term not to exceed ten (10) years."

-End-

HS 194

Approved by Committee
on Judiciary

1 *House* BILL NO. *194*
2 INTRODUCED BY *Scott, Kelly* **VINCENT** *J. Walker*
3 *Travis M. Cox*

4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
5 94-6-309, R.C.M. 1947, BY MAKING THE ISSUING OF A CHECK ON
6 AN INSUFFICIENTLY FUNDED ACCOUNT AN OFFENSE ONLY WHERE IT IS
7 PART OF A COMMON SCHEME,"

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 Section 1. Section 94-6-309, R.C.M. 1947, is amended
11 to read as follows:

12 "94-6-309. Issuing a bad check. (1) A person commits
13 the offense of issuing a bad check when, with the purpose of
14 obtaining control over property or to secure property, labor
15 or services of another, he issues or delivers a check or
16 other order upon a real or fictitious depository for the
17 payment of money, knowing that it will not be paid by the
18 depository, except that a check issued on an existing
19 account which does not have funds sufficient to pay the full
20 amount of the check shall constitute an offense only if it
21 is part of a common scheme to secure property, labor or
22 services of another.

23 ~~(2)-If-the-offender-has-an-account-with-the-depository,~~
24 ~~failure-to-make-good-the-check-or-other-order-within-five~~
25 ~~(5)-days-after-written-notice-of-nonpayment-has-been~~

1 ~~received-by-the-issuer-is-prima-facie-evidence-that-he-knew~~
2 ~~that-it-would-not-be-paid-by-the-depository.~~

3 ~~(3)(2)~~ A person convicted of issuing a bad check shall
4 be fined not to exceed five hundred dollars (\$500) or be
5 imprisoned in the county jail for any term not to exceed six
6 (6) months, or both. If the offender has engaged in issuing
7 bad checks which are part of a common scheme, or if the
8 value of any property, labor or services obtained, or
9 attempted to be obtained exceeds one hundred fifty dollars
10 (\$150), he shall be imprisoned in the state prison for any
11 term not to exceed ten (10) years."

-End-

HB 194