

HOUSE BILL 580

IN THE HOUSE

February 6, 1979	Introduced and referred to Committee on Judiciary.
February 12, 1979	Committee recommend, bill do pass.
February 13, 1979	Second Reading, do pass
February 14, 1979	Considered correctly engrossed.
February 15, 1979	Third reading, passed.

IN THE SENATE

February 16, 1979	Introduced and referred to Committee on Judiciary.
March 6, 1979	Committee recommend, bill not concurrent.

IN THE HOUSE

March 7, 1979	Returned from Senate, not concurrent.
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1 House BILL NO. 580
2 INTRODUCED BY Faye White Jade

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5 45-6-316, MCA, TO PROVIDE THAT IT IS NOT A DEFENSE TO THE
6 CRIME OF ISSUING A BAD CHECK THAT CONSIDERATION WAS NOT
7 RECEIVED AT THE SAME TIME A CHECK OR OTHER ORDER IS ISSUED
8 OR DELIVERED."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 45-6-316, MCA, is amended to read:

12 "45-6-316. Issuing a bad check. (1) A person commits
13 the offense of issuing a bad check when, with the purpose of
14 obtaining or retaining control over property or to secure
15 property, labor, or services of another or to obtain or
16 retain possession of property, he issues or delivers a check
17 or other order upon a real or fictitious depository for the
18 payment of money knowing that it will not be paid by the
19 depository.

20 ~~(2) It is no defense under this section that the~~
21 ~~consideration for such check or other order was not received~~
22 ~~at the same time as the check or other order was issued or~~
23 ~~delivered.~~

24 ~~(2)(3)~~ If the offender has an account with the
25 depository, failure to make good the check or other order

1 within 5 days after written notice of nonpayment has been
2 received by the issuer is prima facie evidence that he knew
3 that it would not be paid by the depository.

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

-End-

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-2- HB 580
THIRD READING