

House Bill 101

In The House

January 7, 1981

Introduced and referred
to Committee on Labor
and Industry.

April 23, 1981

Died in Committee.

HOUSE BILL NO. 101

INTRODUCED BY _____

D. J. ...

A BILL FOR AN ACT ENTITLED: "AN ACT TO REDUCE THE INCIDENCE OF EMPLOYERS ISSUING BAD CHECKS TO EMPLOYEES BY PROHIBITING DISQUALIFICATION FOR UNEMPLOYMENT BENEFITS IF THAT IS THE EMPLOYEE'S REASON FOR TERMINATING AND BY REQUIRING IMPRISONMENT OF THE EMPLOYER WHEN CONVICTED; AMENDING SECTIONS 39-51-2302 AND 45-6-316, MCA."

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

Section 1. Section 39-51-2302, MCA, is amended to read:

"39-51-2302. Disqualification for leaving work without good cause. (1) An individual shall be disqualified for benefits if he has left work without good cause.

(2) He may not be disqualified, provided he is otherwise eligible, if the division finds that he left his employment:

(a) because his employer issued him a bad check as described in 45-6-316;

(b) because of personal illness or injury not associated with misconduct; or left-his-employment

(c) upon the advice of a licensed and practicing physician and, after recovering from his illness or injury

when recovery is certified by a licensed and practicing physician, he returned to his employer and offered his service and his regular or comparable suitable work was not available, if so found by the division, ~~provided he is otherwise eligible.~~

(3) To requalify for benefits, an individual must perform services other than self-employment for which remuneration is received equal to or in excess of six times his weekly benefit amount subsequent to the week in which the act causing the disqualification occurred unless he has been in regular attendance at an educational institution accredited by the state of Montana for at least 3 consecutive months from the date of his enrollment."

Section 2. Section 45-6-316, MCA, is amended to read:

"45-6-316. 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.

(2) If the offender has an account with the depository, failure to make good the check or other order within 5 days after written notice of nonpayment has been received by the issuer is prima facie evidence that he knew

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1 that it would not be paid by the depository.

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

11 ~~(4) A person who, as an employer, is convicted of~~
12 ~~issuing a bad check to his employee shall be imprisoned in~~
13 ~~the county jail for not less than 30 days and not more than~~
14 ~~6 months and may be fined not to exceed \$500. If the~~
15 ~~employer has engaged in issuing bad checks that are part of~~
16 ~~a common scheme or if the value of the services obtained or~~
17 ~~attempted to be obtained exceeds \$150, he shall be~~
18 ~~imprisoned in the state prison for not less than 1 year and~~
19 ~~not more than 10 years."~~

-End-