

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Todd**

A BILL ACT 1051 OF 1991
SENATE BILL 162

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7 **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE 5-37-302 TO MAKE IT
9 UNLAWFUL TO PAY CHILD SUPPORT WITH A HOT CHECK; TO AMEND
10 ARKANSAS CODE 5-37-307(a) TO MAKE IT UNLAWFUL TO PAY CHILD
11 SUPPORT WITH A WORTHLESS CHECK; AND FOR OTHER PURPOSES."

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13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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15 SECTION 1. Arkansas Code 5-37-302 is amended to read as follows:

16 "5-37-302. Unlawful acts.

17 It shall be unlawful for any person:

18 (1) To procure any article or thing of value, or to secure possession
19 of any personal property to which a lien has attached or to make payment of
20 rent or to make payment of a child support payment or to make payment of any
21 taxes, licenses, or fees, or any fine or court costs, or for any other purpose
22 to make or draw or utter or deliver, with the intent to defraud, any check,
23 draft, or order for the payment of money upon any in-state or out-of-state
24 bank, person, firm, or corporation, knowing at the time of such making,
25 drawing, uttering, or delivering that the maker or drawer has not sufficient
26 funds in, or on deposit with, such bank, person, firm, or corporation for the
27 payment of such check, draft, or order in full, and all other checks, drafts,
28 or orders upon such funds then outstanding.

29 (2) To make, draw, utter, or deliver or to cause or direct the making,
30 drawing, uttering, or delivering of any check, draft, or order for the payment
31 of money on any in-state or out-of-state bank, person, firm, or corporation in
32 payment of wages or salaries for personal services rendered, knowing that the
33 maker, drawer, or payor does not have sufficient funds in or on deposit with
34 such bank, person, firm, or corporation for the payment in full of such check,
35 draft, or order, as well as all other then-outstanding checks, drafts, or
36 orders upon such funds, and with no good reason to believe the check, draft,

1 or order would be paid upon presentation to the person or bank upon which same
2 was drawn.

3 (3) After he has made, drawn, uttered, or delivered a check, draft, or
4 order for the payment of money upon any in-state or out-of-state bank to
5 withdraw or cause to be withdrawn, with intent to defraud, the funds or any
6 part thereof that have been deposited in the bank before presentment of the
7 check, draft, or order for payment, without leaving sufficient funds in the
8 bank for payment in full of the check, draft, or order and all other checks,
9 drafts, or orders upon the funds then outstanding."

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11 SECTION 2. Arkansas Code 5-37-307(a) is amended to read as follows:

12 "(a) A person commits an offense if he issues or passes a check, order,
13 or draft for the payment of money knowing that the issuer does not have
14 sufficient funds in or on deposit with the bank or other drawee for the
15 payment in full of the check, order, or draft as well as all other checks,
16 orders, or drafts outstanding at the time of issuance. This section and §
17 21-6-411 do not apply to preexisting debt or situations where nothing of value
18 was acquired; but does apply to rents, child support payments, consignments,
19 taxes, licenses, fees, fines, and court costs."

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21 SECTION 3. All provisions of this act of a general and permanent nature
22 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
23 Revision Commission shall incorporate the same in the Code.

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25 SECTION 4. If any provision of this act or the application thereof to
26 any person or circumstance is held invalid, such invalidity shall not affect
27 other provisions or applications of the act which can be given effect without
28 the invalid provision or application, and to this end the provisions of this
29 act are declared to be severable.

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31 SECTION 5. All laws or parts of laws in conflict with this act are
32 hereby repealed.

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34 APPROVED: 4-9-91

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