

**Stricken language would be deleted from and underlined language would be added to the Arkansas
Constitution.**

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
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5 By: Senator T. Smith
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SJR 3

SENATE JOINT RESOLUTION

PROPOSES AN AMENDMENT TO THE ARKANSAS
CONSTITUTION TO ALLOW THE GENERAL ASSEMBLY TO
ESTABLISH A CRIMINAL PENALTY FOR PERSONS WHO
ATTEMPT TO PAY PREEXISTING DEBT BY A WORTHLESS
CHECK OR OTHER FORM OF INSUFFICIENT PAYMENT.

Subtitle

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BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FIFTH GENERAL ASSEMBLY OF THE
STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL
MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

That the following is proposed as an amendment to the Constitution of
the State of Arkansas, and upon being submitted to the electors of the state
for approval or rejection at the next general election for Senators and
Representatives, if a majority of the electors voting thereon at the
election, adopt the amendment, the amendment shall become a part of the
Constitution of the State of Arkansas, to wit:

SECTION 1. (a) The General Assembly may by law establish criminal
penalties applicable to a person who issues or passes a check, order, draft,



1 or any other form of presentment involving the transmission of account
2 information for the payment of money in order to discharge a preexisting debt
3 if the person knows that the issuer does not have sufficient funds in or on
4 deposit with the bank or other drawee for the payment in full of the check,
5 order, draft, or any other form of presentment involving the transmission of
6 account information, as well as for all other checks, orders, drafts, or any
7 other forms of presentment involving the transmission of account information
8 outstanding at the time of issuance.

9 (b) Other provisions of the Arkansas Constitution which may be in
10 conflict with this section shall not apply to this section.

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12 SECTION 2. EFFECTIVE DATE. This section shall become effective on
13 January 1, 2007.