

Stricken language would be deleted from and underlined language would be added to the law as it existed
prior to this session of the General Assembly.
Act 632 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 2340

5 By: Representative Lamoureux
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7

For An Act To Be Entitled

9 AN ACT TO AMEND THE PENALTY PROVISIONS RELATING
10 TO DELIVERY OF WORTHLESS CHECKS; AND FOR OTHER
11 PURPOSES.
12

Subtitle

14 TO AMEND THE PENALTY PROVISIONS RELATING
15 TO DELIVERY OF WORTHLESS CHECKS.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 5-37-305 is amended to read as follows:

21 5-37-305. Penalties.

22 (a) Upon a determination of guilt, in the event that the order, draft,
23 check, or other form of presentment involving the transmission of account
24 information is ~~two hundred dollars (\$200)~~ five hundred dollars (\$500) or
25 less, the penalties shall be as follows:

26 (1) First Offense. A fine of not less than fifty dollars
27 (\$50.00) nor more than five hundred dollars (\$500) or imprisonment in the
28 county jail or regional detention facility not to exceed thirty (30) days, or
29 both;

30 (2) Second Offense. A fine of not less than one hundred dollars
31 (\$100) nor more than one thousand dollars (\$1,000) or imprisonment in the
32 county jail or regional detention facility not to exceed ninety (90) days, or
33 both; and

34 (3) Third and Subsequent Offenses. A fine of not less than two
35 hundred dollars (\$200) nor more than two thousand dollars (\$2,000) or



1 imprisonment in the county jail or regional detention facility not to exceed
2 one (1) year, or both.

3 (b)(1) Making, uttering, or delivering one (1) or more instruments or
4 transactions drawn on insufficient funds or drawn on nonexistent accounts is
5 a Class B felony if:

6 (A) The amount of any one (1) instrument or transaction is
7 two thousand five hundred dollars (\$2,500) or more; or

8 (B) More than one (1) instrument or transaction has been
9 drawn within a ninety-day period, and each instrument or transaction is in an
10 amount less than two thousand five hundred dollars (\$2,500), and the total
11 amount of all such instruments or transactions is two thousand five hundred
12 dollars (\$2,500) or more.

13 (2) Making, uttering, or delivering one (1) or more instruments
14 or transactions drawn on insufficient funds or drawn on nonexistent accounts
15 is a Class C felony if:

16 (A) The amount of any one (1) instrument or transaction is
17 less than two thousand five hundred dollars (\$2,500) but more than ~~two~~
18 ~~hundred dollars (\$200)~~ five hundred dollars (\$500); or

19 (B) More than one (1) instrument or transaction has been
20 drawn within a ninety-day period, each instrument or transaction is in an
21 amount less than two hundred dollars (\$200), and the total amount of all such
22 instruments or transactions is less than two thousand five hundred dollars
23 (\$2,500) but more than ~~two hundred dollars (\$200)~~ five hundred dollars
24 (\$500).

25 (3) Under subdivisions (b)(1)(B) and (b)(2)(B) of this section,
26 each instrument or transaction may be added together in a single prosecution.

27 (c)(1) Any court passing sentence upon a person convicted of any
28 offense, pursuant to the provisions of §§ 5-37-301 - 5-37-306, may also order
29 such person to make full restitution to the plaintiff or complaining party.

30 (2) All court costs may be taxed to the convicted defendant.

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APPROVED: 3/28/2007