

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

HOUSE BILL 1558

5 By: Representative Steel
6

For An Act To Be Entitled

8 AN ACT CONCERNING AGGREGATING HOT CHECKS FOR THE
9 PURPOSE OF PROSECUTING A PERSON UNDER THE ARKANSAS
10 HOT CHECK LAW; AND FOR OTHER PURPOSES.
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Subtitle

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13 CONCERNING AGGREGATING HOT CHECKS FOR THE
14 PURPOSE OF PROSECUTING A PERSON UNDER THE
15 ARKANSAS HOT CHECK LAW.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 5-37-305(b), concerning the offense of
22 making, uttering, or delivering one or more instruments or transactions drawn
23 on insufficient funds or drawn on a nonexistent account, is amended to read
24 as follows:

25 (b)(1) Making, uttering, or delivering one (1) or more instruments or
26 transactions drawn on insufficient funds or drawn on a nonexistent account is
27 a Class B felony if:

28 (A) The amount of any one (1) instrument or transaction is
29 twenty-five thousand dollars (\$25,000) or more; or

30 (B) More than one (1) instrument or transaction has been
31 drawn within a ninety-day period, each instrument or transaction is in an
32 amount less than twenty-five thousand dollars (\$25,000), and the total amount
33 of all such instruments or transactions is twenty-five thousand dollars
34 (\$25,000) or more.

35 (2) Making, uttering, or delivering one (1) or more instruments
36 or transactions drawn on insufficient funds or drawn on nonexistent accounts



1 is a Class C felony if:

2 (A) The amount of any one (1) instrument or transaction is
 3 less than twenty-five thousand dollars (\$25,000) but more than five thousand
 4 dollars (\$5,000); or

5 (B) More than one (1) instrument or transaction has been
 6 drawn within a ninety-day period, each instrument or transaction is in an
 7 amount ~~less than twenty five thousand dollars (\$25,000) but more than~~ of five
 8 thousand dollars (\$5,000) or less, and the total amount of all such
 9 instruments or transactions is ~~less than twenty five thousand dollars~~
 10 ~~(\$25,000) but~~ more than five thousand dollars (\$5,000).

11 (3) Making, uttering, or delivering one (1) or more instruments
 12 or transactions drawn on insufficient funds or drawn on nonexistent accounts
 13 is a Class D felony if:

14 (A) The amount of any one (1) instrument or transaction is
 15 five thousand dollars (\$5,000) or less but more than one thousand dollars
 16 (\$1,000); or

17 (B) More than one (1) instrument or transaction has been
 18 drawn within a ninety-day period, each instrument or transaction is in an
 19 amount of ~~five thousand dollars (\$5,000) or less but more than~~ one thousand
 20 dollars (\$1,000) or less, and the total amount of all such instruments or
 21 transactions is ~~five thousand dollars (\$5,000) or less but~~ more than one
 22 thousand dollars (\$1,000).

23 (4) Making, uttering, or delivering one (1) or more instruments
 24 or transactions drawn on insufficient funds or drawn on nonexistent accounts
 25 is a Class A misdemeanor if:

26 ~~(A) The~~ the amount of any one (1) instrument or
 27 transaction is one thousand dollars (\$1,000) or less; ~~or.~~

28 ~~(B) More than one (1) instrument or transaction has been~~
 29 ~~drawn within a ninety day period, each instrument or transaction is in an~~
 30 ~~amount of one thousand dollars (\$1,000) or less, and the total amount of all~~
 31 ~~such instruments or transactions is one thousand dollars (\$1,000) or less.~~

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

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APPROVED: 03/15/2013