

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senator Keet

A Bill

SENATE BILL 835

For An Act To Be Entitled

8 "AN ACT TO AMEND A.C.A. § 5-37-306 TO ALLOW PROSECUTIONS
9 FOR VIOLATIONS OF THE ARKANSAS HOT CHECK LAW IN THE COUNTY
10 OF RESIDENCE OF THE PAYEE_S HOME OFFICE; AND FOR OTHER
11 PURPOSES."

Subtitle

14 "TO ALLOW PROSECUTIONS FOR VIOLATIONS OF
15 THE ARKANSAS HOT CHECK LAW IN THE COUNTY
16 OF RESIDENCE OF THE PAYEE_S HOME
17 OFFICE."

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

21 SECTION 1. Arkansas Code Annotated § 5-37-306 is hereby amended to
22 read as follows:

23 "5-37-306. Prosecutions.

24 (a) Prosecutions for violations of the Arkansas Hot Check Law,
25 §§5-37-301 - 5-37-306, may be in the county of residence of the drawer or of
26 the payee of the check, draft, or order, or in the case of multi-unit
27 operations in the county of residence of the payee_s home office, or in the
28 county in which the drawee bank is located.

29 (b) It is expressly intended herein for the drawee, or for a third
30 party holder in due course of a check, draft, or order, payment of which is
31 refused by the drawee, to have the right to initiate and maintain the
32 prosecution of the criminal charges against the maker of the check, draft, or
33 order, whether or not the original payee consents to the action.

34 (c) In all prosecutions under the Arkansas Hot Check Law, process
35 shall be issued and served in the county or out of the county where the

1 prosecution is pending and have the same binding force and effect as though
2 the offense being prosecuted were a felony. All officers issuing and serving
3 process in or out of the county wherein the prosecution is pending and all
4 witnesses from within or without the county wherein the prosecution is
5 pending shall be compensated in like manner as though the offense were a
6 felony in grade.

7

8 SECTION 2. All provisions of this act of a general and permanent
9 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
10 Code Revision Commission shall incorporate the same in the Code.

11

12 SECTION 3. If any provision of this act or the application thereof to
13 any person or circumstance is held invalid, such invalidity shall not affect
14 other provisions or applications of the act which can be given effect without
15 the invalid provision or application, and to this end the provisions of this
16 act are declared to be severable.

17

18 SECTION 4. All laws and parts of laws in conflict with this act are
19 hereby repealed.

20

21 SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the
22 Eightieth General Assembly that a tremendous hardship is placed on the
23 ownership and management of multi-unit operations which are forced to
24 undertake the prosecution of "hot checks" in every jurisdiction of the state.
25 Therefore, an emergency is hereby declared to exist and this act being
26 necessary for the immediate preservation of the public peace, health and
27 safety shall be in full force and effect from and after its passage and
28 approval.

29

30

31

32

33

34

35

1

2