

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999

# A Bill

SENATE BILL 242

4  
5 By: Senator Bisbee  
6 By: Representative Bledsoe

## For An Act To Be Entitled

7  
8  
9  
10 "AN ACT TO INCREASE THE FELONY HOT CHECK THRESHOLD  
11 FROM TWO HUNDRED DOLLARS (\$200) TO FIVE HUNDRED  
12 DOLLARS (\$500); TO THEREBY MAKE IT COMPATIBLE WITH  
13 OTHER THEFT OF PROPERTY STATUTES; TO STATE LEGISLATIVE  
14 FINDINGS; AND FOR OTHER PURPOSES. "

## Subtitle

15  
16  
17 "TO INCREASE THE FELONY HOT CHECK  
18 THRESHOLD FROM TWO HUNDRED DOLLARS  
19 (\$200) TO FIVE HUNDRED DOLLARS (\$500);  
20 TO THEREBY MAKE IT COMPATIBLE WITH OTHER  
21 THEFT OF PROPERTY STATUTES. "

22  
23  
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

### SECTION 1. Legislative Findings.

25  
26  
27 In 1995 the General Assembly increased from two hundred dollars (\$200)  
28 to five hundred dollars (\$500) the felony theft of property threshold in  
29 Arkansas Code 5-36-103. In 1997 the General Assembly increased from two  
30 hundred dollars (\$200) to five hundred dollars (\$500) the threshold for the  
31 felony offense of theft by receiving, Arkansas Code 5-36-106. The Arkansas  
32 Hot Check Law, codified at Arkansas Code 5-37-301 through 5-37-307, was first  
33 enacted in 1959. The two hundred dollar (\$200) felony threshold it now  
34 contains does not reflect today's circumstances and should conform to other  
35 statutes which have been increased in the prior two (2) legislative sessions.  
36

1 SECTION 2. Arkansas Code 5-37-305 is amended to read as follows:

2 "5-37-305. Penalties.

3 (a) Upon a determination of guilt, in the event that the order, draft,  
4 or check is ~~two~~ five hundred dollars (~~\$200~~) (\$500) or less, the penalties  
5 shall be as follows:

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

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

13 (3) Third and Subsequent Offenses. A fine of not less than two  
14 hundred dollars (\$200) nor more than two thousand dollars (\$2,000) or  
15 imprisonment in the county jail or regional detention facility not to exceed  
16 one (1) year, or both;

17 (b)(1) Making, uttering, or delivering one (1) or more instruments  
18 drawn on insufficient funds or drawn on nonexistent accounts is a Class B  
19 felony if:

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

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

26 (2) Making, uttering, or delivering one (1) or more instruments  
27 drawn on insufficient funds or drawn on nonexistent accounts is a Class C  
28 felony if:

29 (A) The amount of any one (1) instrument is less than two  
30 thousand five hundred dollars (\$2,500) but more than ~~two~~ five hundred dollars  
31 (~~\$200~~) (\$500); or

32 (B) More than one (1) instrument has been drawn within a  
33 ninety-day period, and each instrument is in an amount less than ~~two~~ five  
34 hundred dollars (~~\$200~~) (\$500), and the total amount of all such instruments  
35 is less than two thousand five hundred dollars (\$2,500) but more than ~~two~~ five  
36 hundred dollars (~~\$200~~) (\$500).

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

3 (c) Any court passing sentence upon a person convicted of any offense,  
4 pursuant to the provisions of §§ 5-37-301 - 5-37-306, may also order such  
5 person to make full restitution to the plaintiff or complaining party. All  
6 court costs may be taxed to the convicted defendant.”  
7

8 SECTION 3. All provisions of this act of a general and permanent nature  
9 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
10 Revision Commission shall incorporate the same in the Code.  
11

12 SECTION 4. 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 5. All laws and parts of laws in conflict with this act are  
19 hereby repealed.  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36