

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.

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

# A Bill

HOUSE BILL 2340

4  
5 By: Representative Lamoureux  
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## For An Act To Be Entitled

8  
9 AN ACT TO AMEND THE PENALTY PROVISIONS RELATING  
10 TO DELIVERY OF WORTHLESS CHECKS; AND FOR OTHER  
11 PURPOSES.  
12

## Subtitle

13  
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  
36 imprisonment in the county jail or regional detention facility not to exceed



1 one (1) year, or both.

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

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

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

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

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

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

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

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

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

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