

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

HOUSE BILL 1040

4
5 By: Representative Rushing
6 By: Senator L. Eads

For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS HOT CHECK LAW; AND FOR
10 OTHER PURPOSES.

Subtitle

14 TO AMEND THE ARKANSAS HOT CHECK LAW.

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

19 SECTION 1. Arkansas Code Title 5, Chapter 37, Subchapter 3, is amended
20 to add an additional section to read as follows:

21 5-37-308. Dishonored payment – Refer to maker.

22 (a) It is unlawful for any person to make, draw, utter, or deliver a
23 check, draft, order, or other form of presentment involving the transmission
24 of account information if the check, draft, order, or other form of
25 presentment is dishonored for a reason known to the maker and marked or
26 stamped "refer to maker".

27 (b) The penalties for a violation of this section are as follows:

28 (1) If the check, draft, or other form of presentment involving
29 the transmission of account information is one thousand dollars (\$1,000) or
30 less:

31 (A) For a first offense, an unclassified misdemeanor with
32 a fine of not less than fifty dollars (\$50.00) nor more than five hundred
33 dollars (\$500) or imprisonment in the county jail or regional detention
34 facility not to exceed thirty (30) days, or both;

35 (B) For a second offense, an unclassified misdemeanor with
36 a fine of not less than one hundred dollars (\$100) nor more than one thousand



1 dollars (\$1,000) or imprisonment in the county jail or regional detention
 2 facility not to exceed ninety (90) days, or both; or

3 (C) For a third or subsequent offense, an unclassified
 4 misdemeanor with a fine of not less than two hundred dollars (\$200) nor more
 5 than two thousand dollars (\$2,000) or imprisonment in the county jail or
 6 regional detention facility not to exceed one (1) year, or both; or

7 (2) If the violation involves one (1) or more instruments or
 8 transactions, a:

9 (A) Class B felony if:

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

12 (ii) More than one (1) instrument or transaction has
 13 been drawn within a ninety-day period, each instrument or transaction is in
 14 an amount less than twenty-five thousand dollars (\$25,000), and the total
 15 amount of all the instruments or transactions is twenty-five thousand dollars
 16 (\$25,000) or more;

17 (B) Class C felony if:

18 (i) The amount of any one (1) instrument or
 19 transaction is less than twenty-five thousand dollars (\$25,000) but more than
 20 five thousand dollars (\$5,000); or

21 (ii) More than one (1) instrument or transaction has
 22 been drawn within a ninety-day period, each instrument or transaction is in
 23 an amount of five thousand dollars (\$5,000) or less, and the total amount of
 24 all the instruments or transactions is more than five thousand dollars
 25 (\$5,000); or

26 (C) Class D felony if:

27 (i) The amount of any one (1) instrument or
 28 transaction is five thousand dollars (\$5,000) or less but more than one
 29 thousand dollars (\$1,000); or

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