

1 H.475

2 Introduced by Representative Jewett of Ripton

3 Referred to Committee on

4 Date:

5 Subject: Crimes; bad checks

6 Statement of purpose: This bill proposes to eliminate the criminal penalty for
7 issuing or passing a bad check or similar sight order for the payment of money
8 in an amount equal to or less than \$100.00 and, instead, creates a civil offense
9 for passing or issuing a bad check or similar sight order for the payment of
10 money in that amount.

11 An act relating to bad checks

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 13 V.S.A. § 2022 is amended to read:

14 § 2022. BAD CHECKS

15 (a) A person who issues or passes a check or similar sight order for the
16 payment of money in an amount exceeding \$100.00, knowing that it will not
17 be honored by the drawee, shall be imprisoned for not more than one year or
18 fined not more than \$1,000.00 or both. The court shall order restitution in the
19 amount of the check or order, together with a service charge not to exceed
20 \$5.00, if it is established that the defendant has the ability to pay.

1 (b) A person who violates subsection (a) of this title with respect to a check
2 or similar sight order for the payment of money in an amount equal to or less
3 than \$100.00 shall be subject only to a civil penalty of not more than \$100.00.

4 (c) For the purposes of this section, it may be inferred that the issuer knew
5 that the check or order, other than a post-dated check or order, would not be
6 paid if:

7 (1) the issuer had no account with the drawee at the time the check or
8 order was issued; or

9 (2) the issuer had insufficient funds with the drawee at the time the
10 check or order was issued or presented for payment; and

11 (A) the check or order was presented to the drawee for payment not
12 more than 30 days after the date of issuance; and

13 (B) payment was refused by the drawee for reasons other than seizure
14 or attachment of the issuer's funds by order of a court or authorized
15 governmental agency; and

16 (C) the issuer or a person acting in his or her behalf failed to make
17 full satisfaction of the amount of the check or order within 10 days after
18 receiving notice of its dishonor by the drawee.

