

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1243

Page 1, line 18, overstrike "a class B misdemeanor if the amount of insufficient funds or credit is"

Page 1, line 19, overstrike "not more than five hundred dollars, and a class A"

Page 1, overstrike line 20

Page 1, line 21, overstrike "dollars" and insert immediately thereafter ":

- a. An infraction if the amount of insufficient funds or credit is not more than fifty dollars;
- b. A class B misdemeanor if the amount of insufficient funds or credit is more than fifty dollars but not more than two hundred fifty dollars, or if the individual has pled guilty or been found guilty of a violation of this section within three years of issuing an insufficient funds check, draft, or order;
- c. A class A misdemeanor if the amount of insufficient funds or credit is more than two hundred fifty dollars but not more than five hundred dollars, or if the individual has pled guilty or been found guilty of two violations of this section within three years of issuing an insufficient funds check, draft, or order; or
- d. A class C felony if the amount of insufficient funds or credit is more than five hundred dollars, or an individual has pled guilty or been found guilty of three or more violations of this section within five years of willfully issuing an insufficient fund check, draft, or order"

Page 1, line 22, after the period insert "The grade of an offense under this section may be determined by individual or aggregate totals of insufficient fund checks, drafts, or orders."

Page 1, line 24, remove "or if criminal action is initiated, the court"

Page 2, remove line 1

Page 2, line 2, remove "county in which the charge is prosecuted"

Page 2, line 9, after the period insert "The court may order an individual convicted under this section to undergo an evaluation by a licensed gaming, alcohol, or drug addiction counselor."

Page 3, line 10, remove "A complaint may not be"

Page 3, remove lines 11 and 12

Page 3, line 13, remove "paid the amount owed under the check, draft, or order within those ten days."

Page 3, line 18, overstrike "**or with insufficient funds**"

Page 3, line 29, overstrike "or without sufficient funds in a bank or"

Page 3, line 30, overstrike "depository pursuant to section 6-08-16" and overstrike the colon

Page 4, line 1, overstrike "a. At" and insert immediately thereafter "at"

Page 4, line 2, overstrike "; or"

Page 4, overstrike lines 3 through 6

Page 4, line 7, overstrike "presentation"

Page 4, line 13, overstrike "ten thousand" and insert immediately thereafter "five hundred", after "dollars" insert "or that person, agent, or representative of another, issues more than one instrument wherein the aggregate total of all instruments issued exceeds five hundred dollars", and overstrike the colon

Page 4, line 14, overstrike "a. At" and insert immediately thereafter "at"

Page 4, line 15, overstrike "; or"

Page 4, overstrike lines 16 through 20

Page 4, overstrike lines 24 through 30

Page 5, overstrike lines 1 through 4

Page 5, line 5, overstrike "instrument in full upon its presentation"

Page 5, line 6, replace "5" with "4", replace the first underscored comma with "or", and remove ", or 4"

Page 5, line 9, remove "or if criminal action is initiated, the court may assess costs of five"

Page 5, remove line 10

Page 5, line 11, remove "is prosecuted"

Page 5, line 16, overstrike "6." and insert immediately thereafter "5."

Page 5, line 18, replace "7" with "6" and overstrike "A"

Page 5, overstrike lines 19 through 24

Page 5, line 25, overstrike "subdivision b of subsection 4 for a violation of subsection 4." and remove "A complaint may not"

Page 5, remove lines 26 and 27

Page 5, line 28, remove "paid the amount owed under the instrument within those ten days." and overstrike "Failure to"

Page 5, overstrike lines 29 and 30

Page 5, line 31, overstrike "subdivision b of subsection 4" and insert immediately thereafter "A criminal complaint for violating this section must be executed within ninety days after the drawer receives notice from the holder, or its agent or representative, of a no-account or closed account instrument"

Page 6, line 1, overstrike "7." and insert immediately thereafter "6."

Renumber accordingly