

HOUSE BILL NO. 1238

Introduced by

Representatives Olson, Mahoney

Senator Sand

1 A BILL for an Act to amend and reenact subsections 2 and 3 of section 6-08-16.2 of the North
2 Dakota Century Code, relating to issuing a check without sufficient funds.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Subsections 2 and 3 of section 6-08-16.2 of the 1995
5 Supplement to the North Dakota Century Code are amended and reenacted as follows:

6 2. A person who, for that person or as agent or representative of another, willfully as
7 defined in section 12.1-02-02 issues any instrument is guilty of a class C felony if
8 that person has been previously convicted of issuing an instrument without an
9 account pursuant to section 6-08-16.1 or without sufficient funds in a bank or
10 depository pursuant to section 6-08-16, and:

11 a. At the time of issuing the instrument the drawer does not have an account
12 with the bank or depository on which the instrument is drawn; or
13 b. At the time of issuing the instrument or at the time of presentation for payment
14 if made within five business days after the original delivery of the instrument,
15 the drawer does not have sufficient funds in the bank or depository, or credit
16 with the bank, banker, or depository, to pay the instrument in full upon its
17 presentation.

18 The person is also liable for collection fees or costs, not in excess of fifteen dollars,
19 which are recoverable by civil action by the holder of the instrument or when
20 criminal action is initiated fifteen dollars in costs may be assessed by the court and
21 are payable to the county where the charge is prosecuted.

22 3. A person who, for that person or an agent or representative of another, willfully as
23 defined in section 12.1-02-02 issues any instrument is guilty of a class C felony if
24 the instrument was for at least ten thousand dollars, and:

- 1 a. At the time of issuing the instrument, the drawer does not have an account
2 with the bank or depository on which the instrument is drawn; or
3 b. At the time of issuing the instrument, or at the time of presentation for
4 payment if made within five business days after the original delivery of the
5 instrument, the drawer does not have sufficient funds in the bank or
6 depository, or credit with the bank, banker, or depository, to pay the
7 instrument in full upon its presentation.

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