

State of Arkansas  
89th General Assembly  
Regular Session, 2013

# A Bill

HOUSE BILL 1558

By: Representative Steel

## For An Act To Be Entitled

AN ACT CONCERNING AGGREGATING HOT CHECKS FOR THE  
PURPOSE OF PROSECUTING A PERSON UNDER THE ARKANSAS  
HOT CHECK LAW; AND FOR OTHER PURPOSES.

### Subtitle

CONCERNING AGGREGATING HOT CHECKS FOR THE  
PURPOSE OF PROSECUTING A PERSON UNDER THE  
ARKANSAS HOT CHECK LAW.

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

SECTION 1. Arkansas Code § 5-37-305(b), concerning the offense of making, uttering, or delivering one or more instruments or transactions drawn on insufficient funds or drawn on a nonexistent account, is amended to read as follows:

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

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

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

(2) Making, uttering, or delivering one (1) or more instruments or transactions drawn on insufficient funds or drawn on nonexistent accounts



is a Class C felony if:

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

(B) More than one (1) instrument or transaction has been drawn within a ninety-day period, each instrument or transaction is in an amount ~~less than twenty five thousand dollars (\$25,000) but more than~~ of five thousand dollars (\$5,000) or less, and the total amount of all such instruments or transactions is ~~less than twenty five thousand dollars (\$25,000) but~~ more than five thousand dollars (\$5,000).

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

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

(B) More than one (1) instrument or transaction has been drawn within a ninety-day period, each instrument or transaction is in an amount of ~~five thousand dollars (\$5,000) or less but more than~~ one thousand dollars (\$1,000) or less, and the total amount of all such instruments or transactions is ~~five thousand dollars (\$5,000) or less but~~ more than one thousand dollars (\$1,000).

(4) Making, uttering, or delivering one (1) or more instruments or transactions drawn on insufficient funds or drawn on nonexistent accounts is a Class A misdemeanor if:

~~(A) The~~ the amount of any one (1) instrument or transaction is one thousand dollars (\$1,000) or less; ~~or.~~

~~(B) More than one (1) instrument or transaction has been drawn within a ninety-day period, each instrument or transaction is in an amount of one thousand dollars (\$1,000) or less, and the total amount of all such instruments or transactions is one thousand dollars (\$1,000) or less.~~

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

**APPROVED: 03/15/2013**