

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

HOUSE BILL 1040

By: Representative Rushing

By: Senator L. Eads

## For An Act To Be Entitled

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

### Subtitle

TO AMEND THE ARKANSAS HOT CHECK LAW.

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

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

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

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

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

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

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

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



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

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

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

(A) Class B felony if:

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

(ii) 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 the instruments or transactions is twenty-five thousand dollars (\$25,000) or more;

(B) Class C felony if:

(i) 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

(ii) 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, and the total amount of all the instruments or transactions is more than five thousand dollars (\$5,000); or

(C) Class D felony if:

(i) 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

(ii) 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 the instruments or transactions is more than one thousand dollars (\$1,000).