

Reprinted 2/25/86

JAN 16 1986

HOUSE FILE 2067

Place On Calendar

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(Formerly House Study Bill 502)

Passed House, Date 1-23-86 (p. 132) Passed Senate, Date _____

Vote: Ayes 90 Nays 2 Vote: Ayes _____ Nays _____

Approved _____

Motion to reconsider (p. 150) w/d 2/24

A BILL FOR

5037 1 An Act relating to the false use of a financial instrument and
2 providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2067

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50197

1 Section 1. Section 715.6, unnumbered paragraph 2, Code
2 1985, is amended to read as follows:

3 False use of a financial instrument as defined in section
4 715.1, subsection 2, 3, or 4, is false use of a financial
5 instrument in the first degree. False use of a financial
6 instrument as defined in section 715.1, subsection 1, to
7 obtain property exceeding one hundred dollars ~~or more~~ in
8 value, is false use of a financial instrument in the first
9 degree. False use of a financial instrument in the first
10 degree is a class "D" felony.

11 EXPLANATION

12 Section 715.6 provides that the false use of a financial
13 instrument (as defined in section 715.1, subsection 1) where
14 the value of the property is \$100 or more is false use of a
15 financial instrument in the first degree (class "D" felony),
16 and that false use of a financial instrument where the value
17 of the property does not exceed \$100 is false use of a
18 financial instrument in the second degree (aggravated
19 misdemeanor). Present language, then, creates the possibility
20 that where the property is valued at exactly \$100, it may be
21 classifiable as both a first degree or second degree offense.

22 This bill amends section 715.6 to provide that where the
23 property exceeds \$100 it is a first degree offense and where
24 the property does not exceed \$100 it is a second degree
25 offense.

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HOUSE FILE 2067

H-5019

1 Amend House File 2067 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 384.84, subsection 1, Code
5 1985, is amended by adding the following new
6 unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. This section shall not
8 be construed as allowing the establishment,
9 imposition, adjustment, or provision of collection
10 rates on a dishonored instrument in excess of that
11 authorized by section 554.3507, subsection 5.

12 Sec. 2. Section 476.18, subsection 4, Code 1985,
13 is amended to read as follows:

14 4. ~~This section does~~ Subsections 1, 2 and 3 do not
15 apply to a rural electric cooperative.

16 Sec. 3. Section 476.18, Code 1985, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 5. Public utilities shall not
19 directly or indirectly impose or establish charges for
20 a dishonored instrument in excess of that authorized
21 by section 554.3507, subsection 5."

22 2. By renumbering to conform to this amendment.

H-5019 FILED JANUARY 20, 1986 BY VARN of Johnson

Adopted 1/23/86 (p. 131)

HOUSE FILE 2067

H-5024

1 Amend House File 2067 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 715.1, subsection 3, Code
5 1985, is amended to read as follows:

6 3. Any letter, credit card, debit card or access
7 device used to engage in an electronic transfer of
8 funds through a satellite terminal as defined in
9 section 527.2, subsection 1, charge plate, or other

10 device which is designed to identify the person
11 tendering such device as one to whom credit may be
12 extended, or as one to whom goods or services may be
13 furnished and charged to the account of another."

14 2. By renumbering to conform to this amendment.

H-5024 FILED JANUARY 21, 1986 BY JAY of Appanoose

Adopted 1/23/86 (p. 132)

HOUSE FILE 2067

H-5037

1 Amend House File 2067 as follows:

2 1. Title page, by striking line 1, and inserting
3 the following: "An Act relating to the use of financial
4 instruments and".

H-5037 FILED JANUARY 23, 1986 BY CHAPMAN of Linn

ADOPTED BY UNANIMOUS CONSENT (p. 132)

HOUSE FILE 2067
BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(As Amended and Passed by the House January 23, 1986)

Passed House, Date 4-14-86 (p. 1457) Passed Senate, Date 3-27-86 (p. 911)
Vote: Ayes 96 Nays 0 Vote: Ayes 44 Nays 0

Approved May 27 1986

Action to reconsider (p. 1474) failed 5/2 (p. 2322)

A BILL FOR

5333 1 An Act relating to the use of financial instruments and providing
2 penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2067

S-5333

1 Amend House File 2067 as amended, passed and
2 reprinted by the House as follows:

- 3923 1. Page 1, by striking lines 1 through 26.
- 4 2. Title page, line 1, by inserting after the
- 5 word "the" the word "false".
- 6 3. By renumbering as necessary.

S-5333 Filed March 12, 1986

BY COMM. ON JUD., DOYLE, CHAIR

Adopted as amended by 5392 3/27 (p. 911)

HOUSE FILE 2067

S-5392

- 1 Amend amendment S-5333 to House File 2067 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, line 3, by striking the figure "26"
- 4 and inserting the figure "17".

S-5392 Filed March 19, 1986

BY SMALL

Adopted 3/27 (p. 911)

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5333 *added*
Sec 4

1 Section 1. Section 384.84, subsection 1, Code 1985, is
2 amended by adding the following new unnumbered paragraph:
3 NEW UNNUMBERED PARAGRAPH. This section shall not be
4 construed as allowing the establishment, imposition,
5 adjustment, or provision of collection rates on a dishonored
6 instrument in excess of that authorized by section 554.3507,
7 subsection 5.

8 Sec. 2. Section 476.18, subsection 4, Code 1985, is
9 amended to read as follows:

10 4. ~~This section does~~ Subsections 1, 2 and 3 do not apply
11 to a rural electric cooperative.

12 Sec. 3. Section 476.18, Code 1985, is amended by adding
13 the following new subsection:

14 NEW SUBSECTION. 5. Public utilities shall not directly or
15 indirectly impose or establish charges for a dishonored
16 instrument in excess of that authorized by section 554.3507,
17 subsection 5.

18 Sec. 4. Section 715.1, subsection 3, Code 1985, is amended
19 to read as follows:

20 3. Any letter, credit card, debit card or access device
21 used to engage in an electronic transfer of funds through a
22 satellite terminal as defined in section 527.2, subsection 1,
23 charge plate, or other device which is designed to identify
24 the person tendering such device as one to whom credit may be
25 extended, or as one to whom goods or services may be furnished
26 and charged to the account of another.

27 Sec. 5. Section 715.6, unnumbered paragraph 2, Code 1985,
28 is amended to read as follows:

29 False use of a financial instrument as defined in section
30 715.1, subsection 2, 3, or 4, is false use of a financial
31 instrument in the first degree. False use of a financial
32 instrument as defined in section 715.1, subsection 1, to
33 obtain property exceeding one hundred dollars or more in
34 value, is false use of a financial instrument in the first
35 degree. False use of a financial instrument in the first

1 degree is a class "D" felony.

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SENATE AMENDMENT TO HOUSE FILE 2067

H-5594

1 Amend House File 2067 as amended, passed and
2 reprinted by the House as follows:

- 3 1. Page 1, by striking lines 1 through 17.
- 4 2. Title page, line 1, by inserting after the
- 5 word "the" the word "false".
- 6 3. By renumbering as necessary.

H-5594 FILED MARCH 28, 1986 RECEIVED FROM THE SENATE
House concurred 4/14 (j. 1457)

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Now
HF 2067

HSB 502

MWB

Judiciary & Law Enforcement

~~SENATE~~ FILE House 2067

BY (PROPOSED COMMITTEE ON
JUDICIARY BILL)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the false use of a financial instrument and
2 providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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degree. False use of a financial instrument in the first degree is a class "D" felony.

HOUSE FILE 2067

AN ACT

RELATING TO THE FALSE USE OF FINANCIAL INSTRUMENTS AND PROVIDING PENALTIES.

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

Section 1. Section 715.1, subsection 3, Code 1985, is amended to read as follows:

3. Any letter, credit card, debit card or access device used to engage in an electronic transfer of funds through a satellite terminal as defined in section 527.2, subsection 1, charge plate, or other device which is designed to identify the person tendering such device as one to whom credit may be extended, or as one to whom goods or services may be furnished and charged to the account of another.

Sec. 2. Section 715.6, unnumbered paragraph 2, Code 1985, is amended to read as follows:

False use of a financial instrument as defined in section 715.1, subsection 2, 3, or 4, is false use of a financial instrument in the first degree. False use of a financial instrument as defined in section 715.1, subsection 1, to obtain property exceeding one hundred dollars or more in value, is false use of a financial instrument in the first

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2067, Seventy-first General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 27., 1986

TERRY E. BRANSTAD
Governor