

3/26/97 Referred to Commerce
5 - 4/2/97 Do Pass
2-4/10/97 Unfinished Calendar

MAR 14 1997

Place On Calendar

HOUSE FILE 647
BY COMMITTEE ON COMMERCE AND
REGULATION

(SUCCESSOR TO HF 291)

Passed House, Date 3/26/97 (p. 830) Passed Senate, Date 4-16-97 (p. 1212)
Vote: Ayes 89 Nays 10 Vote: Ayes 47 Nays 0
Approved May 19, 1997

A BILL FOR

1 An Act defining the crime of theft to include the utterance of a
2 financial instrument for the use of property which knowingly
3 will not be paid when presented to a financial institution and
4 making a penalty applicable.

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

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HF-647

1 Section 1. Section 714.1, subsection 6, unnumbered
2 paragraph 1, Code 1997, is amended to read as follows:

3 Makes, utters, draws, delivers, or gives any check, share
4 draft, draft, or written order on any bank, credit union,
5 person, or corporation, and obtains property, the use of
6 property, including rental property, or service in exchange
7 therefor for such instrument, if the person knows that such
8 check, share draft, draft, or written order will not be paid
9 when presented.

10 EXPLANATION

11 This bill provides that a person commits theft when the
12 person makes, utters, draws, delivers, or gives any check,
13 share draft, draft, or written order on any bank, credit
14 union, person, or corporation, and obtains the use of any
15 property, including rental property, knowing that the
16 financial instrument will not be paid when presented. The
17 penalty applicable will depend on the amount of the rent due.
18 For example, theft in excess of \$1,000 but not exceeding
19 \$10,000 is a class "D" felony, and theft in excess of \$500 but
20 not exceeding \$1,000 is an aggravated misdemeanor.

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**HOUSE FILE 647
FISCAL NOTE**

The estimate for House File 647 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 647 expands the definition of the crime of theft to include the utterance of a financial instrument for the use of property which knowingly will not be paid when presented to a financial institution. The penalty will depend on the amount of the rent due. Theft in excess of \$500 but not exceeding \$1,000 is an aggravated misdemeanor. Theft in excess of \$1,000 but not exceeding \$10,000 is a class "D" felony.

FISCAL IMPACT

It is anticipated that House File 647 will have no significant fiscal impact to the State General Fund.

SOURCES

Judicial Department
Criminal and Juvenile Justice Planning Division,
Department of Human Services

(LSB 1658HV, TCF)

FILED APRIL 10, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR

check, share draft, draft, or written order will not be paid when presented.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

HOUSE FILE 647

AN ACT

DEFINING THE CRIME OF THEFT TO INCLUDE THE UTTERANCE OF A FINANCIAL INSTRUMENT FOR THE USE OF PROPERTY WHICH KNOWINGLY WILL NOT BE PAID WHEN PRESENTED TO A FINANCIAL INSTITUTION AND MAKING A PENALTY APPLICABLE.

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

Section 1. Section 714.1, subsection 6, unnumbered paragraph 1, Code 1997, is amended to read as follows:

Makes, utters, draws, delivers, or gives any check, share draft, draft, or written order on any bank, credit union, person, or corporation, and obtains property, the use of property, including rental property, or service in exchange ~~therefor~~ for such instrument, if the person knows that such

I hereby certify that this bill originated in the House and is known as House File 647, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 19, 1997

TERRY E. BRANSTAD
Governor

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