

JAN 21 1999

JUDICIARY

HOUSE FILE

119

BY BODDICKER

Passed House, Date _____ Passed Senate, Date _____
 Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
 Approved _____

A BILL FOR

1 An Act relating to the use of a check or other instrument in
 2 committing the crime of theft, and making a penalty
 3 applicable.

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

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HF 119

1 Section 1. Section 714.1, subsection 6, unnumbered
2 paragraph 1, Code 1999, 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 for such instrument, or makes, utters, draws, delivers, or
8 gives such check, share draft, draft, or written order to a
9 person for the purpose of satisfying a preexisting obligation,
10 if the person knows that such check, share draft, draft, or
11 written order will not be paid when presented.

12 EXPLANATION

13 This bill provides that a person commits the crime of theft
14 if the person makes, utters, draws, delivers, or gives such
15 check, share draft, draft, or written order to a person for
16 the purpose of satisfying a preexisting obligation, if the
17 person knows that such check, share draft, draft, or written
18 order will not be paid when presented. Currently, to be
19 classified as theft, such instrument must be used with the
20 intent to defraud, secure money, credit, or other thing of
21 value at the time the instrument is written, with the
22 knowledge that sufficient funds are not available to satisfy
23 such instrument. The penalty applicable would vary depending
24 on the amount of money or value of property involved.

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