

Chapter 9.10UNLAWFUL ISSUANCE OF CHECKS OR DRAFTS

## Sections:

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9.10.010 Purpose. The purpose of this ordinance is to establish an ordinance prohibiting the unlawful issuance of checks or drafts.

9.10.020 Check issued with insufficient funds. Any person who shall make, or draw, or utter or deliver to another person any check, or draft, on a bank or other depository for the payment of money, knowing at the time of such drawing, or delivery, that he has not sufficient funds in, or credit with said bank or other depository, to meet said check or draft, in full upon its presentation, shall be guilty of unlawful issuance of a bank check. The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or other depository for the payment of such check or draft, and the uttering or delivery of such check or draft to another person without such fund or credit to meet the same shall be prima facia evidence that the issuer knew that he had not sufficient funds in or credit with said bank or other depository.

9.10.030 Stop payment on check. Any person who shall with intent to defraud, make, or draw or utter, or deliver to another person any check, or draft on a bank or other depository for the payment of money and who issues a stop payment order directing the bank or depository on which the check is drawn not to honor said check, and who fails to make payment of money in the amount of the check, or draft, or otherwise arrange a settlement agreed upon by the holder of the check within 20 days of issuing said check or draft shall be guilty of unlawful issuance of a bank check. (Ord. 1563 §4, 1998; Ord. 1378, 1982).

9.10.040 Evidence of bad check. If the offender has an account with the bank or depository, failure to make good the check or other order within 15 days after written notice of nonpayment has been received by the issuer is prima facia evidence that he knew that would not be paid by the depository.

9.10.050 Knowledge of bad check. A person knows or acts knowingly or with knowledge when:

- A. He is aware of a fact, facts or circumstances or result described by a statute defining an offense; or
- B. He has information which would lead a reasonable man in the same situation to believe that facts exist which facts are described by a statute defining an offense.

9.10.060 Penalty. Any person convicted of unlawful issuance of a bank check shall be guilty of a gross misdemeanor, shall be punished by a fine not to exceed \$5,000.00, or be imprisoned in the County Jail for any term not to exceed one (1) year, or both. Further, upon conviction of the crime of unlawful issuance of a bad check the offender shall be punished by imprisonment in jail for a term not less than two days, which term shall not be suspended unless found to be injurious to the health of the offender. (Ord. 1563 §4, 1998; Ord. 1378, 1982).