
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2439 Session of
2004

INTRODUCED BY BAKER, CLYMER, BELFANTI, CAPPELLI, CAUSER,
CREIGHTON, DENLINGER, DeWEESE, GEIST, GINGRICH, GOOD, HERMAN,
MAJOR, NICKOL, SAINATO, SCAVELLO, E. Z. TAYLOR, THOMAS AND
YOUNGBLOOD, MARCH 16, 2004

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 16, 2004

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the offenses of
3 forgery and bad checks.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 4101 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 4101. Forgery.

9 (a) Offense defined.--A person is guilty of forgery if, with
10 intent to defraud or injure anyone, or with knowledge that he is
11 facilitating a fraud or injury to be perpetrated by anyone, the
12 actor:

13 (1) alters any writing of another without his authority;

14 (2) makes, completes, executes, authenticates, issues or
15 transfers any writing so that it purports to be the act of
16 another who did not authorize that act, or to have been
17 executed at a time or place or in a numbered sequence other

1 than was in fact the case, or to be a copy of an original
2 when no such original existed; or

3 (3) utters any writing which he knows to be forged in a
4 manner specified in paragraphs (1) or (2) of this subsection.

5 [(b) Definition.--As used in this section the word "writing"
6 includes printing or any other method of recording information,
7 money, coins, tokens, stamps, seals, credit cards, badges,
8 trademarks, electronic signatures and other symbols of value,
9 right, privilege, or identification.]

10 (c) Grading.--Forgery is a felony of the second degree if
11 the writing is or purports to be part of an issue of money,
12 securities, postage or revenue stamps, or other instruments
13 issued by the government, or part of an issue of stock, bonds or
14 other instruments representing interests in or claims against
15 any property or enterprise. Forgery is a felony of the third
16 degree if the writing is or purports to be a will, deed,
17 contract, release, commercial instrument, or other document
18 evidencing, creating, transferring, altering, terminating, or
19 otherwise affecting legal relations. Otherwise forgery is a
20 misdemeanor of the first degree.

21 (d) Evidence in lieu of original writing.--A substitute
22 check, an electronically or digitally communicated copy or an
23 electronically or digitally stored copy of the original writing,
24 when satisfactorily identified, is admissible in evidence as the
25 original writing itself in any judicial or administrative
26 proceeding, whether the original writing is in existence or not.

27 (e) Definitions.--As used in this section, the following
28 words and phrases shall have the meanings given to them in this
29 subsection:

30 "Administrative proceeding." As defined in section 4501

1 (relating to definitions).

2 "Electronically or digitally communicated copy." A
3 reproduction of the original writing which is transmitted
4 digitally, electromagnetically, photoelectrically or photo-
5 optically.

6 "Electronically or digitally stored copy." A digital,
7 electromagnetic, photoelectrical or photo-optical reproduction
8 of the original writing which is or has been stored in any
9 electronic, magnetic, optical, hydraulic, organic or other high-
10 speed data processing device or system which performs logic,
11 arithmetic or memory functions.

12 "Judicial proceeding." An action as defined in 42 Pa.C.S. §
13 102 (relating to definitions), an appeal as defined in 42
14 Pa.C.S. § 102, or a proceeding as defined in 42 Pa.C.S. § 102 in
15 any court of this Commonwealth.

16 "MICR line." The magnetic ink character recognition line.
17 The MICR line contains numbers, which may include the bank
18 routing number, account number, check number, check amount and
19 other information, that are printed near the bottom of a check
20 in magnetic ink in accordance with generally applicable industry
21 standards.

22 "Substitute check." A paper reproduction of the original
23 check that:

24 (1) contains an image of the front and back of the
25 original check;

26 (2) bears the MICR line containing all the information
27 appearing on the MICR line of the original check, except as
28 provided under generally applicable industry standards for
29 substitute checks to facilitate the processing of substitute
30 checks; and

1 (3) conforms, in paper stock, dimensions and otherwise,
2 with generally applicable industry standards for substitute
3 checks.

4 "Writing." Printing or any other method of recording
5 information, money, coins, tokens, stamps, seals, credit cards,
6 badges, trademarks, electronic signatures and other symbols of
7 value, right, privilege or identification.

8 Section 2. Section 4105(e) is amended and the section is
9 amended by adding subsections to read:

10 § 4105. Bad checks.

11 * * *

12 (e) Costs.--Upon conviction under this section the sentence
13 shall include an order for the issuer or passer to reimburse the
14 payee or such other party as the circumstances may indicate for:

15 (1) The face amount of the check.

16 (2) Interest at the legal rate on the face amount of the
17 check from the date of dishonor by the drawee.

18 (3) A service charge if written notice of the service
19 charge was conspicuously displayed on the payee's premises
20 when the check was issued. The service charge shall not
21 exceed \$20 unless the payee is charged fees in excess of \$20
22 by financial institutions as a result of such bad check or
23 similar sight order for the payment of money. If the payee is
24 charged fees in excess of \$20, then the [service charge shall
25 not exceed the actual amount of the fees.] payee shall be
26 reimbursed the actual amount of the fees.

27 (f) Evidence in lieu of original check or similar sight
28 order for payment of money.--A substitute check, an
29 electronically or digitally communicated copy, or an
30 electronically or digitally stored copy of the original check or

1 similar sight order for the payment of money, when
2 satisfactorily identified, is admissible in evidence as the
3 original writing itself in any judicial or administrative
4 proceeding, whether the original check or similar sight order
5 for the payment of money is in existence or not.

6 (g) Definitions.--As used in this section, the following
7 words and phrases shall have the meanings given to them in this
8 subsection:

9 "Administrative proceeding." As defined in section 4501
10 (relating to definitions).

11 "Electronically or digitally communicated copy." A
12 reproduction of the original check or similar sight order for
13 the payment of money which is transmitted digitally,
14 electromagnetically, photoelectrically or photo-optically.

15 "Electronically or digitally stored copy." A digital,
16 electromagnetic, photoelectrical or photo-optical reproduction
17 of the original check or similar sight order for the payment of
18 money which is or has been stored in any electronic, magnetic,
19 optical, hydraulic, organic or other high-speed data processing
20 device or system which performs logic, arithmetic or memory
21 functions.

22 "Judicial proceeding." An action as defined in 42 Pa.C.S. §
23 102 (relating to definitions), an appeal as defined in 42
24 Pa.C.S. § 102, or a proceeding as defined in 42 Pa.C.S. § 102 in
25 any court of this Commonwealth.

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7 appearing on the MICR line of the original check, except as
8 provided under generally applicable industry standards for
9 substitute checks to facilitate the processing of substitute
10 checks; and

11 (3) conforms, in paper stock, dimensions and otherwise,
12 with generally applicable industry standards for substitute
13 checks.

14 Section 3. This act shall take effect in 60 days.