
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1428 Session of
1983

INTRODUCED BY CALTAGIRONE, BELFANTI AND GODSHALL, SEPTEMBER 20,
1983

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 20, 1983

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, authorizing recipients of bad checks
3 to be reimbursed for loss resulting from bad checks.

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

6 Section 1. Section 4105 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 4105. Bad checks.

9 (a) Offense defined.--A person commits an offense if he
10 issues or passes a check or similar sight order for the payment
11 of money, knowing that it will not be honored by the drawee.

12 (b) Presumption.--For the purposes of this section as well
13 as in any prosecution for theft committed by means of a bad
14 check, an issuer is presumed to know that the check or order
15 (other than a post-dated check or order) would not be paid, if:

16 (1) the issuer had no account with the drawee at the
17 time the check or order was issued; or

18 (2) payment was refused by the drawee for lack of funds,

1 upon presentation within 30 days after issue, and the issuer
2 failed to make good within ten days after receiving notice of
3 that refusal.

4 (c) Grading.--An offense under this section is a misdemeanor
5 of the second degree if the amount of the check or order exceeds
6 \$200; otherwise it is a summary offense.

7 (d) Restitution.--The sentence shall include an order to
8 reimburse the payee for any monetary loss incurred by the payee
9 as a result of the offense.

10 Section 2. This act shall take effect in 60 days.