
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1030 Session of
2007

INTRODUCED BY BASTIAN, ADOLPH, BOYD, CLYMER, CREIGHTON, EVERETT,
FAIRCHILD, GEIST, GILLESPIE, HARRIS, HERSHEY, HUTCHINSON,
M. KELLER, KOTIK, MILLARD, R. MILLER, READSHAW, ROHRER,
SCAVELLO, STERN, R. STEVENSON, THOMAS AND WATSON,
APRIL 5, 2007

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 5, 2007

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for bad checks
3 offenses; and imposing powers and duties on the Department of
4 Banking.

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

7 Section 1. Section 4105(e)(3) of Title 18 of the
8 Pennsylvania Consolidated Statutes 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 * * *

16 (3) A service charge if written notice of the service
17 charge was conspicuously displayed on the payee's premises

1 when the check was issued. The service charge shall not
2 exceed [\$20] \$50 unless the payee is charged fees in excess
3 of [\$20] \$50 by financial institutions as a result of such
4 bad check or similar sight order for the payment of money. If
5 the payee is charged fees in excess of [\$20] \$50, then the
6 service charge shall not exceed the actual amount of the
7 fees.

8 (f) Notice of conviction.--

9 (1) Where a person is convicted of a third or subsequent
10 offense under this section within a five-year period, the
11 court shall notify the Department of Banking by sending a
12 copy of the criminal complaint, the criminal information
13 filed in the case and a certified copy of the conviction to
14 the department. Upon receipt, the department shall create a
15 repeat bad check offender profile which shall include:

16 (i) the name of the convicted person;

17 (ii) the address or addresses at which the convicted
18 person resided at the time of conviction;

19 (iii) the name of the financial institution upon
20 which the check or similar sight order was drawn;

21 (iv) the account number if the account upon which
22 the check or similar sight was drawn is closed; and

23 (v) a statement that the individual is a repeat bad
24 check offender.

25 (2) The department shall maintain the repeat bad check
26 offender profile for a period of five years, commencing on
27 the date of the person's third or subsequent conviction.

28 (g) Internet posting of repeat offenders.--The Secretary of
29 Banking shall do all of the following:

30 (1) Develop and maintain a system for making the

1 information described in subsection (f) available by
2 electronic means so that the public may obtain access to the
3 information via an Internet website in order to view an
4 individual record.

5 (2) Create a program and develop regulations to permit
6 the public to access and search the Internet website in
7 accordance with paragraph (1). The department shall, by
8 regulation, require members of the public to register with
9 the department prior to gaining access to the Internet
10 website and may impose a registration fee not to exceed \$200
11 per year in order to access the Internet website.

12 (3) Ensure that the Internet website contains warnings
13 that any person who uses the information contained on the
14 Internet website to threaten, intimidate or harass another or
15 who otherwise misuses the information may be criminally
16 prosecuted.

17 (4) Ensure that the Internet website contains an
18 explanation of its limitations, including statements
19 advising:

20 (i) that a positive identification of a repeat
21 offender whose record has been made available may be
22 confirmed only by fingerprints;

23 (ii) that some information contained on the Internet
24 website may be outdated or inaccurate; and

25 (iii) that the Internet website is not a
26 comprehensive listing of every person who has ever passed
27 a bad check in this Commonwealth.

28 (5) Strive to ensure the information contained on the
29 Internet website is accurate and that the data therein is
30 revised and updated as appropriate in a timely and efficient

1 manner.

2 (6) Provide on the Internet website general information
3 designed to inform and educate the public about personal
4 financial matters, the substance of this section, as well as
5 pertinent and appropriate information concerning crime
6 prevention and personal safety, with appropriate links to
7 other relevant Internet websites operated by the
8 Commonwealth.

9 (h) Additional fee upon conviction.--In addition to any
10 other cost or fee imposed, the court shall require a person
11 subject to subsection (f) to pay a fee not to exceed \$15 to
12 cover the cost of the notice required under subsection (f).

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