

2000 SESSION

INTRODUCED

004602748

HOUSE BILL NO. 331

Offered January 12, 2000

A BILL to amend the Code of Virginia by adding a section numbered 18.2-181.2, relating to stopping payment on checks; penalty.

Patrons—Griffith and Kilgore

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-181.2 as follows:

§ 18.2-181.2. Stopping payment on checks; larceny.

Any person who, with intent to defraud, stops payment on a check, draft or order before the recipient is able to cash the same shall be guilty of larceny. If the check, draft, or order has a represented value of \$200 or more, such person shall be guilty of a Class 6 felony. In cases in which such value is less than \$200, the person shall be guilty of a Class 1 misdemeanor.

However, if, within 72 hours following the stop-payment order, the maker of the check, draft or order deposits with the court of proper jurisdiction funds in an amount equal to the check, draft or order, and gives notice to the intended recipient of the check, draft or order that payment has been stopped and the funds deposited with the court, it shall be presumed, subject to rebuttal, that no fraud was intended or larceny committed. Within thirty days following deposit of the funds with the court, the intended recipient may institute an action, in the court where the funds are deposited, against the maker, for recovery of the money. If the amount of the check, draft or order is more than \$15,000, the funds shall be deposited with, and the action instituted in, a circuit court. For an amount of \$15,000 or less, the money shall be deposited with, and the action instituted in, a district court. If the intended recipient fails to bring an action within thirty days, the funds shall be returned to the maker; however, no rights with respect to the amount in controversy shall otherwise be forfeited.

2. That the provisions of this act may result in a net increase in periods of imprisonment in state correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 in FY 2010.

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