

# 2001 SESSION

INTRODUCED

010322748

## HOUSE BILL NO. 1895

Offered January 10, 2001

Prefiled January 8, 2001

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

Patron—Griffith

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; penalty.*

*Any person who, when making a payment for purchase of non-perishable goods with a check, draft or order, stops payment on the check, draft or order, with intent to defraud, before the seller is able to cash the instrument, shall be guilty of larceny. If the instrument has a represented value of \$200 or more, such person shall be guilty of a Class 6 felony. If the instrument has a represented value of less than \$200, the person shall be guilty of a Class 1 misdemeanor.*

*In any prosecution hereunder it shall be presumed, subject to rebuttal, that the maker (purchaser) stopped payment on the instrument with intent to defraud unless, within five days after receiving written notice from the seller that the instrument was not honored by the payor bank or institution, the maker either (i) pays to the seller the amount due, together with any protest fees, or, (ii) returns the goods. However, payment of the amount due or return of goods to the seller does not relieve the maker of the instrument of any civil liability whether or not a prosecution is instituted pursuant to this section.*

*Notice mailed by the seller using certified or registered mail, evidenced by return receipt, to the last known address of the maker shall be deemed sufficient notice. If the dishonored check, draft or order shows on its face a printed or written address, whether home, office or otherwise, of the maker, the foregoing notice, when sent by certified or registered mail to such address, with or without return receipt requested, shall be deemed sufficient and equivalent to actual notice, whether such mailed notice is returned undelivered or not.*

**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. #**

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HB1895