

2006 SESSION

HOUSE SUBSTITUTE

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HOUSE BILL NO. 608

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 10, 2006)

(Patron Prior to Substitute—Delegate Amundson)

A BILL to amend the Code of Virginia by adding a section numbered 18.2-181.2, relating to issuing bad check for payment of child or spousal support; penalty .

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. Issuing bad checks for payment of child or spousal support; penalty.

Any person who shall make or draw or utter or deliver any check, draft, or order for the purpose of paying child support or spousal support obligations pursuant to an administrative order or court income withholding order, knowing, at the time of such making, drawing, uttering or delivering, that the account upon which such check, draft, or order is drawn has not sufficient funds in, or credit with, such bank, banking institution, trust company, or other depository, for the payment of such check, draft or order, although no express representation is made in reference thereto, is guilty of a Class 1 misdemeanor.

The word "credit" as used in this section, shall be construed to mean any arrangement or understanding with the bank, banking institution, trust company, or other depository for the payment of such check, draft or order.

In addition to the criminal penalty set forth in this section, such person shall be personally liable in a civil action brought upon such check, draft or order.

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