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SENATE BILL NO. 364

Offered January 9, 2008

Prefiled January 8, 2008

A BILL to amend and reenact § 18.2-181 of the Code of Virginia, relating to bad checks; attorney for the Commonwealth may establish restitution program.

Patron—Watkins

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-181 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-181. Issuing bad checks, etc., larceny.

Any person who, with intent to defraud, shall make or draw or utter or deliver any check, draft, or order for the payment of money, upon any bank, banking institution, trust company, or other depository, knowing, at the time of such making, drawing, uttering or delivering, that the maker or drawer 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, shall be guilty of larceny; and, if this 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.

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

Any person making, drawing, uttering or delivering any such check, draft or order in payment as a present consideration for goods or services for the purposes set out in this section shall be guilty as provided herein.

An attorney for the Commonwealth may establish a worthless check program either through his office or through a contract with a private entity for offenders who agree to voluntarily participate in the program instead of undergoing prosecution for violations of this section. At a minimum, each program shall require offenders to (i) complete an appropriate educational program that includes information on writing checks and managing money, at the offender's expense, (ii) make full restitution to the victim of the offense, and (iii) pay all applicable costs and penalties.

INTRODUCED

SB364