

January 10, 1951.

Passed on File.

# House File 12

By SCHWENGEL and SCHROEDER.

Passed House, Date .....

Vote: Ayes..... Nays.....

Passed Senate, Date .....

Vote: Ayes..... Nays.....

Approved .....

## A BILL FOR

An Act to Amend section seven hundred thirteen point three (713.3), Code 1950, relating to the punishment for false drawing or uttering of checks, drafts, or written orders.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. Section seven hundred thirteen point  
2 three (713.3), Code 1950, is hereby amended and revised  
3 to read as follows:

4 "Any person who with fraudulent intent shall make,  
5 utter, draw, deliver or give any check, draft or written  
6 order upon any bank, person, or corporation, and who  
7 secures money, credit, or thing of value therefor, and  
8 who knowingly shall not have an arrangement, understanding  
9 or funds with such bank, person, or corporation sufficient  
10 to meet or pay the same, shall be punished as follows:

11 1. If such check, draft or written order shall be  
12 for the sum of one hundred dollars (\$100.00) or more,  
13 such person on conviction shall be imprisoned in the  
14 penitentiary not more than seven (7) years, or be fined  
15 not exceeding one thousand dollars (\$1000.00), or be

16 imprisoned in the county jail not exceeding one year, or  
17 be punished by both such fine and imprisonment.

18 2. If such check, draft or written order, shall be  
19 for a sum of twenty dollars or more but is less than one  
20 hundred dollars, shall be fined not exceeding five hundred  
21 dollars or by imprisonment in the county jail not exceeding  
22 one year, or by both such fine and imprisonment provided,  
23 however that if such person has been previously convicted  
24 under this subsection or of making, uttering, drawing,  
25 delivering or giving a check, draft, or written order for  
26 twenty dollars or more, he shall be punished as provided  
27 in subsection one of this section.”

28 3. If such check, draft or written order be for a sum  
29 less than twenty dollars by a fine not to exceed one hundred  
30 dollars or by imprisonment in the county jail not to exceed  
31 thirty days, provided however that if such person has been  
32 three times convicted of such offense he shall on the  
33 fourth and all subsequent convictions be sentenced to  
34 the county jail or penitentiary at the discretion of the  
35 court for a period not to exceed one year.”

#### EXPLANATION OF H. F. 12

This Act and the four following House Files should be considered together.

Under present law a false check, etc. of \$19.99 or less, is a simple misdemeanor punishable by not more than thirty days imprisonment, while a check, etc., of twenty dollars or more is a felony punishable by imprisonment in the penitentiary.

On the other hand if a defendant steals property valued at twenty dollars or less, he may receive punishment up to thirty days in jail, while if he steals property of the value of more than twenty dollars he may be confined in the penitentiary. It can be seen that the law is not consistent in the dividing line, and it is apparent that the difference in penalties is too severe.

These acts will establish the dividing line at \$20 and create an intermediate offense applying to checks, etc., and larceny when the value involved is \$20 or more and up to \$99.99. Such intermediate offense would be an indictable misdemeanor under present law as distinguished from a simple misdemeanor and felony.

These Acts are recommended by the Iowa County Attorneys' Association.