WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1963

ENROLLED

HOUSE BILL No. 297

(By Mr. Barker)

PASSED March 9, 1963

In Effect Passage

Filed in Office of the Secretary of State of West Virginia 3-15-63
JOE F. BURDETT
SECRETARY OF STATE
ENROLLED

House Bill No. 297
(By Mr. Barker)

(Passed March 9, 1963; in effect from passage.)

AN ACT to amend and reenact section thirty-nine, article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the giving of worthless checks, and providing penalties.

Be it enacted by the Legislature of West Virginia:

That section thirty-nine, article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 39. Giving Worthless Check; Penalties.—Any person who, with intent to defraud, shall make, draw, issue, utter or deliver to another any check, draft or order for the payment of money upon any bank, or other
depository, and thereby obtain from such other any credit, credit on account, money, goods or other property or thing of value, knowing at the time of such making, drawing, issuing, uttering or delivering that the maker or drawer thereof has not sufficient funds in, or credit with such bank or other depository for the payment of such check, draft or order in full upon its presentment. shall be guilty of a misdemeanor, if the amount of such check, draft or order be under fifty dollars, and upon conviction thereof, shall be confined in the county jail not less than five nor more than sixty days, or fined not less than five dollars nor more than one hundred dollars, or both fined and imprisoned; and if the amount of such check, draft or order be fifty dollars or over, he shall be guilty of a felony, and, upon conviction thereof, shall be confined in the penitentiary not less than one nor more than five years and be fined not more than one thousand dollars. The making, drawing, issuing, uttering or delivering of a check, draft or order upon such bank, or other depository by any person knowing that there is not sufficient funds or credit in such bank or depository from which the same
can be paid on presentment shall, as against the drawer,
be prima facie evidence of knowledge of insufficiency
of funds, or lack of credit, and of intent to defraud:

Provided, That if such check, draft or order and accrued
court costs be paid at any time previous to the trial or
examination of such person before a justice of the peace,
or before indictment of such person by a grand jury,
then no presumption of knowledge of insufficiency of
funds, or lack of credit, and of intent to defraud shall
arise.

The making, drawing, issuing, uttering or delivery of
any such check, draft or order, for or on behalf of any
corporation, or in its name, by any officer or agent of
such corporation, shall subject such officer or agent to
the penalties of this section to the same extent as though
such check, draft or order was his own personal act, when
such agent or officer knows that such corporation does
not have sufficient funds or credit with such bank or
other depository from which such check, draft or order
can legally be paid upon presentment.
Such person, officer or agent, shall be prosecuted in the county in which he makes, draws, issues or delivers such check. Justices of the peace shall have jurisdiction to try any misdemeanor charge hereunder. The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or depository for the payment of such check, draft or order.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

O. Ray Parker
Chairman Senate Committee

Ethel S. Randall
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard W. Haynes
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard P. Lawson
President of the Senate

Julius W. Singleton
Speaker House of Delegates

The within approved this the 14th day of March, 1963.

E. W. Barrow
Governor