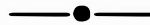


WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963



ENROLLED

HOUSE BILL No. 297

(By Mr. Barker)



PASSED March 9 1963

In Effect from Passage



Filed in Office of the Secretary of State  
of West Virginia 3-15-63

JOE F. BURDETT  
SECRETARY OF STATE

# 297

**ENROLLED**  
**House Bill No. 297**

(By MR. BARKER)

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[Passed March 9, 1963; in effect from passage.]

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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  
2 person who, with intent to defraud, shall make, draw,  
3 issue, utter or deliver to another any check, draft or  
4 order for the payment of money upon any bank, or other

5 depository, and thereby obtain from such other any credit,  
6 credit on account, money, goods or other property or  
7 thing of value, knowing at the time of such making,  
8 drawing, issuing, uttering or delivering that the maker  
9 or drawer thereof has not sufficient funds in, or credit  
10 with such bank or other depository for the payment of  
11 such check, draft or order in full upon its presentment.  
12 shall be guilty of a misdemeanor, if the amount of such  
13 check, draft or order be under fifty dollars, and upon con-  
14 viction thereof, shall be confined in the county jail not less  
15 than five nor more than sixty days, or fined not less than  
16 five dollars nor more than one hundred dollars, or both  
17 fined and imprisoned; and if the amount of such check,  
18 draft or order be fifty dollars or over, he shall be guilty of  
19 a felony, and, upon conviction thereof, shall be confined in  
20 the penitentiary not less than one nor more than five years  
21 and be fined not more than one thousand dollars. The  
22 making, drawing, issuing, uttering or delivering of a  
23 check, draft or order upon such bank, or other depository  
24 by any person knowing that there is not sufficient funds  
25 or credit in such bank or depository from which the same

26 can be paid on presentment shall, as against the drawer,  
27 be prima facie evidence of knowledge of insufficiency  
28 of funds, or lack of credit, and of intent to defraud:  
29 *Provided*, That if such check, draft or order and accrued  
30 court costs be paid at any time previous to the trial or  
31 examination of such person before a justice of the peace,  
32 or before indictment of such person by a grand jury,  
33 then no presumption of knowledge of insufficiency of  
34 funds, or lack of credit, and of intent to defraud shall  
35 arise.

36 The making, drawing, issuing, uttering or delivery of  
37 any such check, draft or order, for or on behalf of any  
38 corporation, or in its name, by any officer or agent of  
39 such corporation, shall subject such officer or agent to  
40 the penalties of this section to the same extent as though  
41 such check, draft or order was his own personal act, when  
42 such agent or officer knows that such corporation does  
43 not have sufficient funds or credit with such bank or  
44 other depository from which such check, draft or order  
45 can legally be paid upon presentment.

46 Such person, officer or agent, shall be prosecuted in the  
47 county in which he makes, draws, issues or delivers such  
48 check. Justices of the peace shall have jurisdiction to  
49 try any misdemeanor charge hereunder. The word  
50 "credit" as used herein shall be construed to mean an  
51 arrangement or understanding with the bank or deposi-  
52 tory 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

*Edel L. Randall*  
Chairman House Committee

Originated in the House.

Takes effect *from* passage.

*Howard Meyer*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Howard Holman*  
President of the Senate

*Julius W. Singleton Jr.*  
Speaker House of Delegates

The within *approved* this the *14<sup>th</sup>* day of *March*, 1963.

*W. M. Barron*  
Governor

