

No. 154

AN ACT

SB 172

Amending the act of June 24, 1939 (P.L.872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," changing the penalties for making, drawing, uttering or delivering worthless checks and drafts in certain cases.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 854, act of June 24, 1939 (P.L.872), known as "The Penal Code," is amended to read:

Section 854. Worthless Checks and Drafts.—Whoever, with intent to defraud, makes, draws, utters or delivers 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, although no express representation is made in reference thereto, *shall, upon summary conviction thereof, if the amount of such check, draft or order does not exceed two hundred dollars (\$200) be sentenced to pay a fine of not more than three hundred dollars (\$300), or to undergo imprisonment for not more than three (3) months, or both, or if the amount of such check, draft or order exceeds two hundred dollars (\$200), then such person* is guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned not exceeding two (2) years, or fined not exceeding one thousand dollars (\$1,000), or both.

In any prosecution under this section, the making, drawing, uttering or delivering of a check, draft, or order, payment of which is refused by the drawee because of lack of funds or credit, shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in, or credit with, such bank, banking institution, trust company, or other depository, unless such maker or drawer shall have paid the drawee thereof the amount due thereon, together with interest and protest fees, within ten (10) days after receiving notice that such check, draft, or order has not been paid to the drawee.

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.

APPROVED—The 1st day of December, A. D. 1971.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 154.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a long, sweeping tail.

Secretary of the Commonwealth.