

1 SB339
2 157881-4
3 By Senator Beason
4 RFD: Judiciary
5 First Read: 11-FEB-14

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 13A-9-13.1, Code of Alabama 1975,
12 relating to the crime of negotiating a worthless negotiable
13 instrument; to specify that a negotiable instrument includes
14 electronic drafts; and in connection therewith would have as
15 its purpose or effect the requirement of a new or increased
16 expenditure of local funds within the meaning of Amendment 621
17 of the Constitution of Alabama of 1901, now appearing as
18 Section 111.05 of the Official Recompilation of the
19 Constitution of Alabama of 1901, as amended.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 13A-9-13.1, Code of Alabama 1975,
22 is amended to read as follows:

23 "§13A-9-13.1.

24 "(a) A person commits the crime of negotiating a
25 worthless negotiable instrument if the person negotiates or
26 delivers a negotiable instrument for a thing of value and with

1 the intent, knowledge, or expectation that it will not be
2 honored by the drawee.

3 "(b) For the purposes of this section, it is prima
4 facie evidence that the maker or drawer intended, knew, or
5 expected that the instrument would not be honored in any of
6 the following instances:

7 "(1) The maker or drawer had no account with the
8 drawee at the time the negotiable instrument was negotiated or
9 delivered, as determined according to Section 7-3-503(2).

10 "(2) Payment was refused by the drawee for lack of
11 funds, upon presentation within 30 days after delivery, and
12 the maker or drawer shall not have paid the holder thereof the
13 amount due thereon, together with a service charge of not more
14 than (fill in appropriate amount as provided by law), within
15 10 days after receiving written notice from the holder of the
16 instrument that payment was refused upon the instrument, as
17 provided in Section 13A-9-13.2.

18 "(3) Notice that payment was refused is mailed by
19 certified or registered mail and is returned undelivered to
20 the sender, when the notice is mailed within a reasonable time
21 after dishonor to the address printed on the instrument or
22 given by the maker or drawer at the time of issuance of the
23 instrument.

24 "(c) Negotiating a worthless negotiable instrument
25 is a Class A misdemeanor.

26 "(d) The definition of "negotiable instrument" in
27 Section 7-3-104 applies to this section and Sections

1 13A-9-13.2 and 13A-9-13.3. For the purposes only of this
2 section and Sections 13A-9-13.2 and 13A-9-13.3, the term
3 "negotiable instrument" shall include electronic drafts.

4 "(e) The definition of "negotiation" in Section
5 7-3-202 applies to this section and Sections 13A-9-13.2 and
6 13A-9-13.3.

7 "(f) The definition of "delivery" in Section
8 7-1-201(14) applies to this section and Sections 13A-9-13.2
9 and 13A-9-13.3."

10 Section 2. Although this bill would have as its
11 purpose or effect the requirement of a new or increased
12 expenditure of local funds, the bill is excluded from further
13 requirements and application under Amendment 621, now
14 appearing as Section 111.05 of the Official Recompilation of
15 the Constitution of Alabama of 1901, as amended, because the
16 bill defines a new crime or amends the definition of an
17 existing crime.

18 Section 3. This act shall become effective on the
19 first day of the third month following its passage and
20 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate committee on Judiciary.....	11-FEB-14
Read for the second time and placed on the calen- dar 1 amendment.....	20-FEB-14
Read for the third time and passed as amended	06-MAR-14

Yeas 28
Nays 1

Patrick Harris
Secretary