

## 45-6-316 Issuing a Bad Check

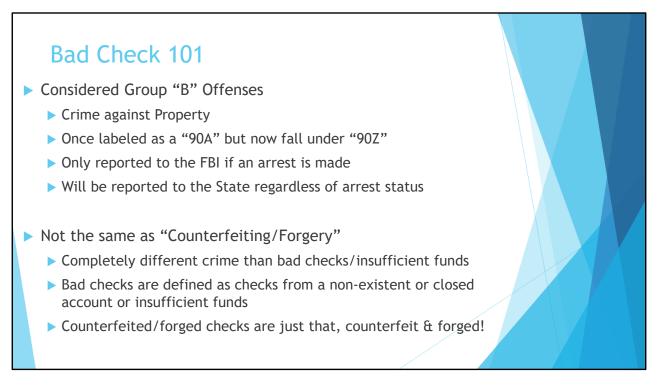
▶ (1) A person commits the offense of issuing a bad check when the person issues or delivers a check or other order upon a real or fictitious depository for the payment of money knowing that it will not be paid by the depository.

▶ (2) If the offender has an account with the depository, failure to make good the check or other order within 5 days after written notice of nonpayment has been received by the issuer is prima facie evidence that the offender knew that it would not be paid by the depository.

▶ (3) (a) A person convicted of issuing a bad check not exceeding \$500 in value shall be fined an amount not to exceed \$500. A person convicted of a second offense shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both. A person convicted of a third or subsequent offense shall be imprisoned in the county jail for a term of not less than 5 days or more than 1 year and may be fined an amount not to exceed \$500.

(b) A person convicted of issuing a bad check that exceeds \$500 in value and does not exceed \$5,000 in value shall be fined an amount not to exceed \$1,500 or be imprisoned in the state prison for a term not to exceed 3 years, or both. A person convicted of a second offense shall be fined an amount not to exceed \$1,500 or be imprisoned in the state prison for a term of to exceed \$1,500 or be imprisoned in the state prison for a term of to exceed \$1,500 or be imprisoned in the state prison for a term of to exceed \$1,500 or be imprisoned in the state prison for a term of t

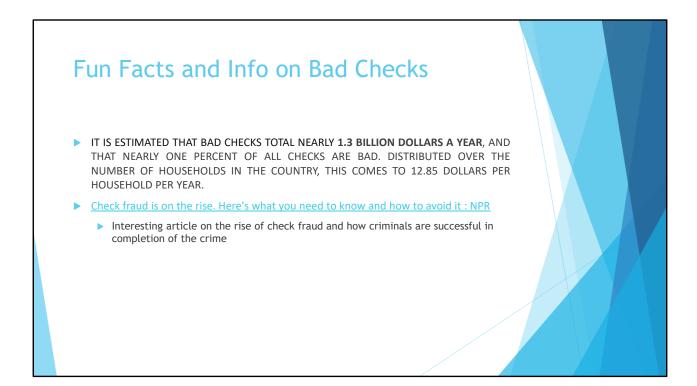
(c) A person convicted of issuing a bad check exceeding \$5,000 in value or as part of a common scheme shall be fined an amount not to exceed \$10,000 or be imprisoned in the state prison for a term not to exceed 10 years.



• The FBI once labeled bad checks as a "90A," but deleted the category in 2021 and began placing them in the "90Z" bucket, which is essentially the "all other bucket."



• Property type must be listed as "none," "unknown," or "stolen."



23 bad checks in 2022 15 in 21 turned into a civil issue handled by the courts more than anything. These are in our data primarily because often there is an additional charge.



- Go to https://mbcc.mt.gov/Data/MTIBRS-Training to register for all 2022 sessions. Make sure to bookmark this page.
- Future Just the Facts Training:

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