

By: Representative Guice

To: Judiciary B

## HOUSE BILL NO. 685

1 AN ACT TO AMEND SECTION 11-7-12, MISSISSIPPI CODE OF 1972, TO  
2 ALLOW THE RECOVERY OF ATTORNEY'S FEES IN BAD CHECK CASES; AND FOR  
3 RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 11-7-12, Mississippi Code of 1972, is  
6 amended as follows:

7 11-7-12. (1) In any civil action founded on a check, draft  
8 or order made, drawn, issued, uttered or delivered in violation of  
9 Section 97-19-55, the plaintiff, if he be a payee or endorser,  
10 shall be entitled to recover, in addition to the face amount of  
11 the check, draft or order, damages in the following amount:

12 (a) If the amount of the check, draft or order is up to  
13 and including Twenty-five Dollars (\$25.00), then the additional  
14 damages shall be one hundred percent (100%) of the amount of the  
15 check, draft or order;

16 (b) If the amount of the check, draft or order is above  
17 Twenty-five Dollars (\$25.00) and up to and including Two Hundred  
18 Dollars (\$200.00), then the additional damages shall be fifty  
19 percent (50%) of the amount of the check, draft or order, not to  
20 exceed Fifty Dollars (\$50.00), and not to be less than Twenty-five  
21 Dollars (\$25.00); and

22 (c) If the amount of the check, draft or order is above  
23 Two Hundred Dollars (\$200.00), then the additional damages shall  
24 be twenty-five percent (25%) of the amount of the check, draft or  
25 order.

26 (2) In addition to the awards provided in subsection (1) of

27 this section, the court may award reasonable attorney's fees in an  
28 amount not to exceed one-third (1/3) of the amount of the check  
29 and any fines and penalties assessed for the check, draft or  
30 order.

31 SECTION 2. This act shall take effect and be in force from  
32 and after July 1, 1999.