

By: Representative Davis

To: Judiciary B

## HOUSE BILL NO. 1145

1 AN ACT TO AMEND SECTION 97-19-57, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE NOTICE PROVISION OF THE BAD CHECK LAW REGARDING  
3 INTENT TO DEFRAUD; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 97-19-57, Mississippi Code of 1972, is  
6 amended as follows:

7 97-19-57. (1) The maker's or drawer's failure to pay a  
8 check, draft or order, issued for value, within ten (10) days  
9 after notice of its nonpayment upon presentation has been  
10 deposited by certified mail in the United States mail system  
11 addressed to the issuer thereof either at the address shown on the  
12 instrument or the last known address for such person shown on the  
13 records of the bank upon which such instrument is drawn or within  
14 ten (10) days after delivery or personal tender of the written  
15 notice to said issuer by the payee or his agent, shall be  
16 presumptive evidence of his intent to defraud.

17 (2) The form of the notice provided for in subsection (1) of  
18 this section shall be substantially as follows:

19 "This statutory notice is provided pursuant to Section  
20 97-19-57, Mississippi Code of 1972. You are hereby notified that  
21 a check, draft or order numbered \_\_\_\_, apparently issued by you on  
22 \_\_\_\_ (date), drawn upon \_\_\_\_ (name of bank), and payable to  
23 \_\_\_\_, has been dishonored. Pursuant to Mississippi  
24 law, you have ten (10) days from deposit of this notice to tender  
25 payment of the full amount of such check, draft or order, plus a  
26 service charge of Thirty Dollars (\$30.00), the total amount due

27 being \$\_\_\_\_\_. Unless this amount is paid in full within the  
28 time specified above, the holder may assume that you delivered the  
29 instrument with intent to defraud and may turn over the dishonored  
30 instrument and all other available information relating to this  
31 incident to the proper authorities for criminal prosecution."

32 (3) If the notice is mailed by certified or registered mail  
33 and is returned undelivered to the sender after such notice was  
34 mailed within a reasonable time of dishonor to the address printed  
35 on the check, draft or order, or to the address given by the  
36 accused at the time of issuance of the instrument, such return  
37 shall be prima facie evidence of the maker's or drawer's intent to  
38 defraud.

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