

By: Senator(s) Cuevas

To: Judiciary

SENATE BILL NO. 2423

1 AN ACT TO AMEND SECTION 97-19-57, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE NUMBER OF DAYS FOR THE DRAWER OF A BAD CHECK TO PAY
3 THE FACE AMOUNT OF THE CHECK; 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) As against the maker or drawer thereof, the
8 making, drawing, issuing, uttering or delivering of a check, draft
9 or order, payment of which is refused by the drawee, shall be
10 prima facie evidence and create a presumption of intent to defraud
11 and of knowledge of insufficient funds in, or on deposit with,
12 such bank, corporation, firm or person, provided such maker or
13 drawer shall not have paid the holder thereof the amount due
14 thereon, together with a service charge of Thirty Dollars
15 (\$30.00), within ten (10) days after receiving notice that such
16 check, draft or order has not been paid by the drawee.

17 (2) For purposes of Section 11-7-12, the form of the notice
18 provided for in subsection (1) of this section shall be sent by
19 regular mail and shall be substantially as follows: "This
20 statutory notice is provided pursuant to Section 97-19-57,
21 Mississippi Code of 1972. You are hereby notified that a check,
22 draft or order numbered _____, apparently issued by you on _____
23 (date), drawn upon _____ (name of bank), and payable to
24 _____, has been dishonored. Pursuant to Mississippi law, you
25 have ten (10) days from receipt of this notice to tender payment
26 of the full amount of such check, draft or order, plus a service
27 charge of Thirty Dollars (\$30.00), the total amount due being



28 \$_____. Failure to pay this amount full within the time
29 specified above shall be prima facie evidence of and create a
30 presumption of both the intent to defraud and the knowledge of
31 insufficient funds in, or on deposit with, such bank in violation
32 of Section 97-19-55."

33 (3) For purposes of Section 97-19-67, the form of the notice
34 provided for in subsection (1) of this section shall be sent by
35 certified or registered mail and shall be substantially as
36 follows: "This statutory notice is provided pursuant to Section
37 97-19-57, Mississippi Code of 1972. You are hereby notified that
38 a check, draft or order numbered _____, apparently issued by
39 you on _____ (date), drawn upon _____ (name of bank), and
40 payable to _____, has been dishonored. Pursuant to
41 Mississippi law, you have ten (10) days from receipt of this
42 notice to tender payment of the full amount of such check, draft
43 or order, plus a service charge of Thirty Dollars (\$30.00), the
44 total amount due being \$_____. Unless this amount is paid in
45 full within the time specified above, the holder may assume that
46 you delivered the instrument with intent to defraud and may turn
47 over the dishonored instrument and all other available information
48 relating to this incident to the proper authorities for criminal
49 prosecution."

50 (4) If any notice is returned undelivered to the sender
51 after such notice was mailed to the address printed on the check,
52 draft or order, or to the address given by the accused at the time
53 of issuance of the instrument, such return shall be prima facie
54 evidence of the maker's or drawer's intent to defraud.

55 (5) Without in any way limiting the provisions of this
56 section, this section shall apply to a draft for the payment of
57 money given for a motor vehicle even if such payment is
58 conditioned upon delivery of documents necessary for transfer of a
59 valid title to the purchaser.



60 SECTION 2. This act shall take effect and be in force from
61 and after July 1, 2001.

