

an aggregation of checks. It upgrades our statutes and includes the aggregation of the value of checks written during a six-month period when classifying the offense. The aggregation provision is permissive. The county attorney may choose not to aggregate the amounts if he or she feels that the violations were inadvertent or does not feel that the aggregation option is appropriate. It is available to them, however, as a way of putting teeth into our fraudulent checks law. On General File, Senator Pirsch made some excellent remarks, some excellent points regarding white-collared crime and the cleverness of some criminals who know just how far they can push the law. This is true with bad checks, just as it is true with embezzlement or other forms of fraud. If you look at the top of the Journal, page 580, where offenses are classified, you will see how a person can avoid felony charges or even class...avoid Class I misdemeanor charges by writing several checks just below the threshold amount. Aggregation of check amounts eliminates this strategy. The amendment also strikes present value and replaces it with exchange value in the section which defines the writing of a bad check. This change is important in that it will assist in the prosecution of cases involving bad checks written for rent and child support. In Douglas County, 1991, 1990, there were 455 bad checks written for child support, which totaled \$137,000. In 1991...or, yeah, in 1991 there were 395 checks written for \$127,000. In Lancaster County, 176 checks totaling \$42,000 were written in '91. Most of this money is eventually recovered. The inevitable delay can cause great hardships on a family to whom the child support is due though. The Lancaster County Attorney has informed us that this amendment will help alleviate this problem by assisting with enforcement and by serving as a deterrent. Section 4 of the amendment provides that any person writing a check from a closed account, ten or more days after being informed of such closure, shall be guilty of a Class IV felony. This, too, will eliminate a clever strategy many people have employed in passing bad checks. Sections 7 and 8 are amended so that any handling fee charged by the drawee is included in restitution. This is included so that a merchant or service provider is not stuck with the bank handling charge which is usually \$10 per check. For a grocery or other business which handles many checks of modest amounts this can add up to a burdensome problem. It could be argued, I believe, that this particular provision is not germane to LB 111 because it does not deal with aggregation and is somewhat separated from the criminal remedy. I do feel that it is a controversial provision, but if anyone is uncomfortable with