

February 3, 1992 LB 111

SENATOR BEUTLER: Okay. Then with regard to the provision subsection (3), it says whoever issues or passes a check or similar assigned order for the payment of money, knowing that he or she has no account, that used to be a Class II misdemeanor and you're elevating that to a felony offense, as I...if I'm reading it correctly. Is that not correct?

SENATOR DIERKS: I believe that's right.

SENATOR BEUTLER: Okay, so that would mean that somebody that issued a \$10 check, if it were the situation where the account had been closed rather than a situation where there simply wasn't \$10 in the account, would be subject to a Class IV felony. Is that correct?

SENATOR DIERKS: That's my understanding.

SENATOR BEUTLER: Is that what you intend? Do you think anybody that issues a five or ten dollar check should be subject to a felony offense?

SENATOR DIERKS: That's what the bill would do.

SENATOR BEUTLER: Is that what...is that what you would have the bill do?

SENATOR DIERKS: Yes.

SENATOR BEUTLER: Okay. Thank you, Mr. Speaker.

SPEAKER BAACK: Senator Elmer, did you wish to address this amendment? I don't see Senator Elmer. Senator Wickersham.

SENATOR WICKERSHAM: Thank you, Mr. Speaker. Reluctantly, I have to rise and say that I cannot support this amendment at the present time. The amendment is, of course, derived from a bill that we had a hearing in the Judiciary Committee but the bill has not been advanced from the committee and we have not had an opportunity to work on the bill. I would call the body's attention to several things which I think are reasons to seek amendments even to this amendment. For example, it would change the present law so that if you write a bad check in exchange of value of any kind; now the language in the statute is present value of any kind. I submit to you that that is a significant change in state law. Now it may be a desirable change but I