

amount. Number three, I think the major problem is in Section 2, what would be the new Section 2, and that's where it changes the word "present" to "exchange", when referring to present and exchange value rather than present value. That is a major change in policy. Right now, checks that are drawn have to be for a present value, not for some future value or not for some...if I write you a check that you would do something in the future, that's an exchange value, that can be a bad check. If I stop payment on that because I decide I don't want that contract anymore, I've still committed this crime. I would suggest that it's a...it's a...this causes some major changes to our entire...to our entire check writing or check cashing, I should say, criminal law and I think we ought to be real careful with it. I...I have major problems with this amendment and I will be opposing it.

SPEAKER BAACK: Mr. Clerk.

CLERK: Mr. President, Senator Beutler would move to amend Senator Dierks' amendment. (Read the Beutler amendment as found on page 624 of the Legislative Journal.)

SPEAKER BAACK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, I'm not sure whether the mood of the Legislature is to reject this amendment or to work on this right now and try to put it in a shape that would be acceptable to us...to a large majority. But I think there are problems and I would like to identify one for you and suggest a change. It relates to the matter I spoke of earlier. There is a provision here that changes a particular offense from a Class II misdemeanor to a Class IV felony. And the offense that's being upgraded in such a truly significant way, I mean, it's a tremendous increase, is this provision that said whoever issues or passes a check or similar signed order for the payment of money, knowing that he or she has no account with the drawee at the time the check or money order is issued shall be guilty of a Class IV felony. Well, if you just...let's say you issued a \$10 check, knowing that you had no account at that bank, that's going to subject you to a felony offense which is, I suggest to you, totally out of proportion with all the other provisions of the criminal code. If you just went and stole \$10, you would...that would be a very low-grade misdemeanor. If you want to make...and I suggest to you that writing a \$10 check on no account is stealing \$10, but the point