

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

565H0399

## HOUSE BILL NO. 1262

Introduced by: Representatives Hansen (Tom), Broderick, Brown (Jarvis), Davis, Garnos,  
Hennies (Don), and Pummel and Senators Apa and Cradduck

1 FOR AN ACT ENTITLED, An Act to revise the elements of the crime of passing a check  
2 against insufficient funds.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-41-1 be amended to read as follows:

5 22-41-1. Any person who, for himself as principal or as agent or representative of another,  
6 for a present consideration ~~with intent to defraud~~, passes a check drawn on a financial institution  
7 ~~knowing at the time of such passing that~~ when there are not sufficient funds in the account on  
8 which the check was drawn in the financial institution for the payment of such check and all other  
9 checks upon such funds then outstanding, in full upon its presentation, although no express  
10 representation is made with reference thereto, is guilty of passing a check against insufficient  
11 funds. A person who passes a check of one hundred dollars or less against insufficient funds is  
12 guilty of passing a check against insufficient funds in the third degree, which is a Class 2  
13 misdemeanor. A person who passes a check or a series of checks within any thirty-day period  
14 in the amount of five hundred dollars or less but more than one hundred dollars, against  
15 insufficient funds, is guilty of passing a check against insufficient funds in the second degree,



1 which is a Class 1 misdemeanor. A person who passes a check of more than five hundred dollars,  
2 or a series of checks within any thirty-day period totaling more than five hundred dollars, against  
3 insufficient funds is guilty of passing a check against insufficient funds in the first degree, which  
4 is a Class 6 felony.