

**As Reported by the House Criminal Justice Committee**

**125th General Assembly**

**Regular Session**

**2003-2004**

**Sub. H. B. No. 401**

**Representatives Raga, Latta, D. Evans**

—

**A BILL**

To amend section 2913.11 of the Revised Code to  
expand the offense of passing bad checks to apply  
to electronic transactions, to include in the  
offense a provision regarding stop payment orders  
on checks, and to include in the offense a  
provision regarding aggregation of checks issued  
within 180 days for purposes of determining an  
offender's penalty.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 2913.11 of the Revised Code be  
amended to read as follows:

**Sec. 2913.11.** (A) As used in this section:

(1) "Check" includes any form of debit from a demand deposit  
account, including, but not limited to any of the following:

(a) A check, bill of exchange, draft, order of withdrawal, or  
similar negotiable or non-negotiable instrument;

(b) An electronic check, electronic transaction, debit card  
transaction, check card transaction, substitute check, web check,  
or any form of automated clearing house transaction.

(2) "Issue a check" means causing any form of debit from a

demand deposit account. 20

(B) No person, with purpose to defraud, shall issue or 21  
transfer or cause to be issued or transferred a check or other 22  
negotiable instrument, knowing that it will be dishonored or 23  
knowing that a person has ordered or will order stop payment on 24  
the check or other negotiable instrument. 25

~~(B)~~(C) For purposes of this section, a person who issues or 26  
transfers a check or other negotiable instrument is presumed to 27  
know that it will be dishonored if either of the following occurs: 28

(1) The drawer had no account with the drawee at the time of 29  
issue or the stated date, whichever is later; 30

(2) The check or other negotiable instrument was properly 31  
refused payment for insufficient funds upon presentment within 32  
thirty days after issue or the stated date, whichever is later, 33  
and the liability of the drawer, indorser, or any party who may be 34  
liable thereon is not discharged by payment or satisfaction within 35  
ten days after receiving notice of dishonor. 36

~~(C)~~(D) For purposes of this section, a person who issues or 37  
transfers a check, bill of exchange, or other draft is presumed to 38  
have the purpose to defraud if the drawer fails to comply with 39  
section 1349.16 of the Revised Code by doing any of the following 40  
when opening a checking account intended for personal, family, or 41  
household purposes at a financial institution: 42

(1) Falsely stating that the drawer has not been issued a 43  
valid driver's or commercial driver's license or identification 44  
card issued under section 4507.50 of the Revised Code; 45

(2) Furnishing such license or card, or another 46  
identification document that contains false information; 47

(3) Making a false statement with respect to the drawer's 48  
current address or any additional relevant information reasonably 49

required by the financial institution. 50

~~(D)~~(E) In determining the value of the payment for purposes 51  
of division (F) of this section, the court may aggregate all 52  
checks and other negotiable instruments that the offender issued 53  
or transferred or caused to be issued or transferred in violation 54  
of division (A) of this section within a period of one hundred 55  
eighty consecutive days. 56

(F) Whoever violates this section is guilty of passing bad 57  
checks. Except as otherwise provided in this division, passing bad 58  
checks is a misdemeanor of the first degree. If the check or 59  
checks or other negotiable instrument ~~is~~ or instruments are issued 60  
or transferred to a single vendor or single other person for the 61  
payment of five hundred dollars or more ~~and is for the payment of~~ 62  
but less than five thousand dollars or if the check or checks or 63  
other negotiable instrument or instruments are issued or 64  
transferred to multiple vendors or persons for the payment of one 65  
thousand dollars or more but less than five thousand dollars, 66  
passing bad checks is a felony of the fifth degree. If the check 67  
or checks or other negotiable instrument ~~is~~ or instruments are for 68  
the payment of five thousand dollars or more ~~and is for the~~ 69  
~~payment of~~ but less than one hundred thousand dollars, passing bad 70  
checks is a felony of the fourth degree. If the check or checks or 71  
other negotiable instrument ~~is~~ or instruments are for the payment 72  
of one hundred thousand dollars or more, passing bad checks is a 73  
felony of the third degree. 74

**Section 2.** That existing section 2913.11 of the Revised Code 75  
is hereby repealed. 76