

1 SB339  
2 157881-4  
3 By Senator Beason  
4 RFD: Judiciary  
5 First Read: 11-FEB-14

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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11 To amend Section 13A-9-13.1, Code of Alabama 1975,  
12 relating to the crime of negotiating a worthless negotiable  
13 instrument; to specify that a negotiable instrument includes  
14 electronic drafts; and in connection therewith would have as  
15 its purpose or effect the requirement of a new or increased  
16 expenditure of local funds within the meaning of Amendment 621  
17 of the Constitution of Alabama of 1901, now appearing as  
18 Section 111.05 of the Official Recompilation of the  
19 Constitution of Alabama of 1901, as amended.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 13A-9-13.1, Code of Alabama 1975,  
22 is amended to read as follows:

23 "§13A-9-13.1.

24 "(a) A person commits the crime of negotiating a  
25 worthless negotiable instrument if the person negotiates or  
26 delivers a negotiable instrument for a thing of value and with

1 the intent, knowledge, or expectation that it will not be  
2 honored by the drawee.

3 "(b) For the purposes of this section, it is prima  
4 facie evidence that the maker or drawer intended, knew, or  
5 expected that the instrument would not be honored in any of  
6 the following instances:

7 "(1) The maker or drawer had no account with the  
8 drawee at the time the negotiable instrument was negotiated or  
9 delivered, as determined according to Section 7-3-503(2).

10 "(2) Payment was refused by the drawee for lack of  
11 funds, upon presentation within 30 days after delivery, and  
12 the maker or drawer shall not have paid the holder thereof the  
13 amount due thereon, together with a service charge of not more  
14 than (fill in appropriate amount as provided by law), within  
15 10 days after receiving written notice from the holder of the  
16 instrument that payment was refused upon the instrument, as  
17 provided in Section 13A-9-13.2.

18 "(3) Notice that payment was refused is mailed by  
19 certified or registered mail and is returned undelivered to  
20 the sender, when the notice is mailed within a reasonable time  
21 after dishonor to the address printed on the instrument or  
22 given by the maker or drawer at the time of issuance of the  
23 instrument.

24 "(c) Negotiating a worthless negotiable instrument  
25 is a Class A misdemeanor.

26 "(d) The definition of "negotiable instrument" in  
27 Section 7-3-104 applies to this section and Sections

1 13A-9-13.2 and 13A-9-13.3. For the purposes only of this  
2 section and Sections 13A-9-13.2 and 13A-9-13.3, the term  
3 "negotiable instrument" shall include electronic drafts.

4 "(e) The definition of "negotiation" in Section  
5 7-3-202 applies to this section and Sections 13A-9-13.2 and  
6 13A-9-13.3.

7 "(f) The definition of "delivery" in Section  
8 7-1-201(14) applies to this section and Sections 13A-9-13.2  
9 and 13A-9-13.3."

10 Section 2. Although this bill would have as its  
11 purpose or effect the requirement of a new or increased  
12 expenditure of local funds, the bill is excluded from further  
13 requirements and application under Amendment 621, now  
14 appearing as Section 111.05 of the Official Recompilation of  
15 the Constitution of Alabama of 1901, as amended, because the  
16 bill defines a new crime or amends the definition of an  
17 existing crime.

18 Section 3. This act shall become effective on the  
19 first day of the third month following its passage and  
20 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate  
committee on Judiciary..... 11-FEB-14

Read for the second time and placed on the calen-  
dar 1 amendment..... 20-FEB-14

Read for the third time and passed as amended .... 06-MAR-14

Yeas 28  
Nays 1

Patrick Harris  
Secretary