

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 7  
Committee Substitute Favorable 4/18/01

Short Title: Amend Worthless Check Program.

(Local)

Sponsors:

Referred to:

January 29, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A PROGRAM ESTABLISHED BY A DISTRICT ATTORNEY FOR COLLECTION IN WORTHLESS CHECK CASES IN CERTAIN COUNTIES MAY INCLUDE WORTHLESS CHECK OFFENSES PUNISHABLE AS CLASS I FELONIES AND CLASS 1 MISDEMEANORS AS WELL AS THOSE PUNISHABLE AS CLASS 2 MISDEMEANORS AND TO MAKE OTHER CLARIFYING, CONFORMING, AND TECHNICAL CHANGES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S.14-107.2 reads as rewritten:

"§ 14-107.2. Program for ~~the collection of~~ in worthless check cases.

(a) As used in this section, the terms 'check passer' and 'check taker' have the same meaning as defined in G.S. 14-107.1.

(b) A district attorney may establish a program for the collection of worthless checks in cases that would, if ~~may be~~ prosecuted under ~~G.S. 14-107,~~ be punishable as a Class 2 misdemeanor, G.S. 14-107. The district attorney may establish a program for the collection of worthless checks in cases that would be punishable as misdemeanors, in cases that would be punishable as felonies, or both. ~~The purpose of the program is to collect worthless checks in a more timely manner, to alleviate the need to prosecute each worthless check case, and to provide an opportunity for the check passer to avoid criminal prosecution. In creating the program, the~~ The district attorney must ~~shall~~ establish criteria for the types of worthless check cases that will be eligible for collection under the program.

(c) If ~~the~~ a check passer participates in the program by paying the fee under G.S. 7A-308(c) and providing restitution to the check taker for (i) the amount of the check or draft, (ii) any service charges imposed on the check taker by a bank or depository for processing the dishonored check, and (iii) any processing fees imposed by the check taker pursuant to ~~G.S. 25-3-512,~~ G.S. 25-3-506, then the district attorney ~~will~~ shall not prosecute the worthless check case under G.S. 14-107.

1 (d) The Administrative Office of the Courts ~~must~~ shall establish procedures for  
2 remitting the fee and providing restitution to the check taker. ~~For the purposes of this~~  
3 ~~section, the terms "check passer" and "check taker" have the same meanings as defined~~  
4 ~~in G.S. 14-107.1.~~

5 (e) This ~~aet~~ section applies only to ~~Brunswiek~~, ~~Bladen~~, Brunswick, Columbus,  
6 Cumberland, Durham, Edgecombe, Nash, New Hanover, Onslow, Pender, Rockingham,  
7 Wake, and Wilson Counties."

8 **SECTION 2.** G.S. 7A-346.2(b) reads as rewritten:

9 "(b) The Administrative Office of the Courts shall report by April 1 of each year  
10 to the Chairs of the Senate and House Appropriations Committees and the Chairs of the  
11 Senate and House Appropriations Subcommittees on Justice and Public Safety on the  
12 implementation of the worthless check collection programs ~~in Columbus, Durham,~~  
13 ~~Rockingham, and Wake Counties and the establishment of such programs in Bladen,~~  
14 ~~Brunswick, Cumberland, Edgecombe, Nash, New Hanover, Onslow, and Pender, and~~  
15 Wilson Counties, established by district attorneys pursuant to G.S. 14-107.2, including  
16 their effectiveness in assisting the recipients of worthless checks in obtaining restitution  
17 and the amount of time saved ~~in~~ from not prosecuting worthless check cases."

18 **SECTION 3.** This act is effective when it becomes law.