

By: Keel, Hunter

H.B. No. 619

A BILL TO BE ENTITLED

AN ACT

relating to notice of the presumption for theft by check.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 31.06(b), Penal Code, is amended to read as follows:

(b) For purposes of Subsection (a)(2) or (f)(3), notice may be actual notice or notice in writing that:

(1) is sent:

(A) by registered or certified mail with return receipt requested; ~~or~~

(B) by telegram with report of delivery requested; or

(C) by regular mail if an affidavit of service evidences that:

(i) the notice was sent with a return address affixed; and

(ii) the letter was not subsequently returned unopened;

(2) is addressed to the issuer at his address shown on:

(A) the check or order;

(B) the records of the bank or other drawee; or

(C) the records of the person to whom the check or order has been issued or passed; and

(3) contains the following statement:

1                    "This is a demand for payment in full for a check  
2 or order not paid because of a lack of funds or insufficient funds.  
3 If you fail to make payment in full within 10 days after the date of  
4 receipt of this notice, the failure to pay creates a presumption for  
5 committing an offense, and this matter may be referred for criminal  
6 prosecution."

7                    SECTION 2. (a) The change in law made by this Act applies  
8 only to an offense committed on or after the effective date of this  
9 Act. For purposes of this section, an offense is committed before  
10 the effective date of this Act if any element of the offense occurs  
11 before that date.

12                    (b) An offense committed before the effective date of this  
13 Act is covered by the law in effect when the offense was committed,  
14 and the former law is continued in effect for that purpose.

15                    SECTION 3. This Act takes effect September 1, 2003.