

CHAPTER 7

DECEPTION

SECTION:

11-7-1: DECEPTIVE PRACTICES

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A. As used in this Chapter:

1. A financial institution means any bank, savings and loan association, credit union, or other depository of money, or medium of savings and collective investment.
2. An account holder is any person having a checking account or savings account in a financial institution.
3. To act with the "intent to defraud" means to act willfully, and with the specific intent to deceive or cheat, for the purpose of causing financial loss to another, or to bring some financial gain to oneself. It is not necessary to establish that any person was actually defrauded or deceived.

B. General Deception: A person commits a deceptive practice when, with intent to defraud:

1. With the intent to obtain control over property or to pay for property, labor or services of another of less than one hundred fifty dollars (\$150.00), he or she issues or delivers a check or other order upon a real or fictitious depository for the payment of money, knowing that it will not be paid by the depository. Failure to have sufficient funds or credit with the depository when the check or other order is issued or delivered, or when such check or other order is presented for payment and dishonored on each of two (2) occasions at least seven (7) days apart, is prima facie evidence that the offender knows that it will not be paid by the depository, and that he has the intent to defraud.
2. He issues or delivers a check or other order upon a real or fictitious

depository in an amount of less than one hundred fifty dollars (\$150.00) in payment of an amount owed on any credit transaction for property, labor or services, or in payment of the entire amount owed on any credit transaction for property, labor or services, knowing that it will not be paid by the depository, and thereafter fails to provide funds or credit with the depository in the face amount of the check or order within seven (7) days of receiving actual notice from the depository or payee of the dishonor of the check or order.