**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3921**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Gunn, McEachern, King, Ballentine and J.H. Neal

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Introduced in the House on April 22, 2009

Currently residing in the House Committee on **Judiciary**

Summary: Fraudulent check

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/22/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\04-22-09.docx)‑14

4/22/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\04-22-09.docx)‑14

**VERSIONS OF THIS BILL**

[4/22/2009](file:///p:\pprever\2009-10\3921_20090422.docx)

**A** **BILL**

TO AMEND SECTION 34‑11‑60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DRAWING AND UTTERING OF A FRAUDULENT CHECK, SO AS TO ADD A FINGERPRINT EXEMPLAR AS AN ITEM THE RECEIVER OF THE CHECK MUST OBTAIN TO PRESENT PRIMA FACIE EVIDENCE OF THE IDENTITY OF THE ISSUER OF THE CHECK.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 34‑11‑60(b) of the 1976 Code, as last amended by Act 235 of 1996, is further amended to read:

“(b) In any prosecution or action ~~under the provisions of~~ pursuant to this section, a check, draft, or other written order for which the information required in item (1) of this subsection is available at the time of issuance ~~shall constitute~~ constitutes prima facie evidence of the identity of the party issuing the check, draft, or other written order and that ~~such~~ the person was a party authorized to draw upon the named account. The failure of the person receiving the check to obtain the information specified in items (1) or (2) of this subsection ~~shall~~ does not warrant dismissal of a prosecution or other action brought pursuant to this section, but the party bringing the action ~~shall~~ in ~~such~~ those circumstances ~~have~~ has the burden of proving that the defendant signed or endorsed the check and presented it in payment of some debt or other obligation.

(1) To establish this prima facie evidence, the full name, residence address, ~~and~~ home telephone number, and a fingerprint exemplar of the person presenting the check, draft, or other written order ~~shall~~ must be obtained by the party receiving the instrument. This information may be provided by having the information recorded on the check or instrument itself, or the number of a check‑cashing identification card issued by the receiving party may be recorded on the check. The check‑cashing identification card ~~shall~~ may be issued only after the full name, residence address, ~~and~~ home telephone number, and fingerprint exemplar of the person presenting the check, draft, or other written order has been placed on file by the receiving party.

(2) In addition to the information required in item (1) of this subsection, the party receiving a check shall witness the signature or endorsement of the party presenting the check and as evidence of ~~such~~ witnessing it, the receiving party shall initial the check. Validation by a bank teller machine ~~shall constitute~~ constitutes compliance with this item.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor and applies to all prosecutions or actions filed after that date.

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