

CHAPTER 45

AN ACT concerning electronic funds transfer and amending N.J.S.2C:21-5.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.2C:21-5 is amended to read as follows:

Bad checks, money orders, electronic funds transfers.

2C:21-5. A person who issues or passes a check or similar sight order for the payment of money, or authorizes an electronic funds transfer, knowing that it will not be honored by the drawee, commits an offense as provided for in subsection c. of this section. For the purposes of this section as well as in any prosecution for theft committed by means of a bad check, an issuer is presumed to know that the check, money order, or electronic funds transfer (other than a post-dated check, money order, or electronic funds transfer) would not be paid, if:

a. The issuer had no account with the drawee at the time the check or money order was issued or the electronic funds transfer was made; or

b. Payment was refused by the drawee for lack of funds, or due to a closed account, after a deposit by the payee into a bank for collection or after presentation to the drawee within 46 days after issue, and the issuer failed to make good within 10 days after receiving notice of that refusal or after notice has been sent to the issuer's last known address. Notice of refusal may be given to the issuer orally or in writing in any reasonable manner by any person.

c. An offense under this section is:

(1) a crime of the second degree if the amount of the check, money order, or electronic funds transfer is \$75,000.00 or more;

(2) a crime of the third degree if the amount of the check, money order, or electronic funds transfer is \$1,000.00 or more but is less than \$75,000.00;

(3) a crime of the fourth degree if the amount of the check, money order, or electronic funds transfer is \$200.00 or more but is less than \$1,000.00;

(4) a disorderly persons offense if the amount of the check, money order, or electronic funds transfer is less than \$200.00.

2. This act shall take effect immediately.

Approved September 10, 2014.