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SENATE AMENDMENT 1, TO 2003 ASSEMBLY BILL 306

March 11, 2004 - Offered by Senators Robson and Moore.

1 At the locations indicated, amend the bill, as shown by assembly substitute 2 amendment 1, as follows:

- **1.** Page 1, line 1: after "checks" insert ", deferred prosecution agreements for persons charged with issuing a bad check or other order for payment, and allowing a district attorney to collect money owed to others".
 - **2.** Page 2, line 4: after that line insert:
- "Section 2g. 943.245 (3m) of the statutes is amended to read:
 - 943.245 (3m) Any recovery under this section shall be reduced by the amount recovered as restitution for the same act under ss. 800.093 and 973.20 and by any amount that a district attorney collects in connection with the act and pays to the plaintiff under a deferred prosecution agreement under s. 971.41.
- 12 **Section 2r.** 971.41 of the statutes is created to read:

971.41	Deferred prosecution program; worthless checks.	(1)	In this
section:			

- (a) "Collection agency" has the meaning given in s. 218.04 (1) (a).
- (b) "Collector" has the meaning given in s. 218.04 (1) (b).
- (c) "Solicitor" has the meaning given in s. 218.04 (1) (b).
- (2) A district attorney may require, as a condition of a deferred prosecution agreement with a defendant charged with violating s. 943.24, that the defendant pay money owed for the worthless check or other order issued in violation of s. 943.24 to the district attorney for remittance to the payee of the worthless check or order. If it includes such a requirement, the deferred prosecution agreement shall also require that the defendant attend a class or counseling regarding financial management and the impact of issuing worthless checks. Notwithstanding s. 978.06 (1), a district attorney may charge a defendant who is a party to a deferred prosecution agreement under this section a fee to cover the district attorney's costs under the agreement.
- (3) A district attorney may contract with a nonprofit organization that is licensed as a collection agency to collect money from defendants under deferred prosecution agreements under this section and to administer such agreements.
- (4) Notwithstanding s. 218.04, a district attorney is not required to be licensed as a collection agency, a collector, or a solicitor under s. 218.04 for purposes of collecting money from defendants under this section.".

22 (END)