



1995 ASSEMBLY BILL 743

December 19, 1995 - Introduced by Representatives SKINDRUD, AINSWORTH, BRANDEMUEHL, FOTI, GUNDERSON, GREEN, HAHN, HASENOHRL, LADWIG, MUSSER, NASS, OLSEN, OWENS, SCHNEIDERS, SERATTI, SILBAUGH, ZIEGELBAUER, ZUKOWSKI and KAUFERT, cosponsored by Senator BUETTNER. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT to amend** 943.24 (4) of the statutes; **relating to:** issuance of a worthless
2 check and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who issues a check of not more than \$1,000 which, at the time of issuance, he or she intends shall not be paid is guilty of a Class A misdemeanor. If the check is more than \$1,000, or if within a 15-day period a person issues more than one worthless check amounting, in the aggregate, to more than \$1,000, the person is guilty of a Class E felony. Under current law, these criminal penalties do not apply with respect to a postdated check or to a check given for a "past consideration", except a payroll check. The "past consideration" exception has been interpreted to exclude, from these criminal penalties, transactions where the drawer of the check is not receiving anything of value at the time that the check is issued. *State v. Archambeau*, 187 Wis. 2d. 502 (1994); 66 Op. Atty. Gen. 168, 174 (1977). This bill repeals the "past consideration" exception.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 943.24 (4) of the statutes is amended to read:
4 943.24 (4) This section does not apply to a postdated check ~~or to a check given~~
5 ~~for a past consideration, except a payroll check.~~

6 **SECTION 2. Initial applicability.**

