HOUSE DOCKET, NO. 2898 FILED ON: 1/21/2011

HOUSE . . . . . No. 2227

The Commonwealth of Massachusetts

PRESENTED BY:

Louis L. Kafka

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to checking fraud.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Louis L. Kafka	*8th Norfolk*

HOUSE DOCKET, NO. 2898 FILED ON: 1/21/2011

HOUSE . . . . . No. 2227

By Mr. Kafka of Stoughton, a petition (accompanied by bill, House, No. 2227) of Louis L. Kafka relative to the prosecution of persons charged with the crime of checking fraud. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to checking fraud.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 37 of Chapter 266 of the Massachusetts General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting after the words "thereby shall be guilty of attempted larceny" the following sentence: Whoever is charged with violating this section may be arrested, prosecuted, and punished in the same jurisdiction in which the check's information was illegally obtained, or where the check's information was attempted to be illegally used with the intent to defraud the account holder. Additionally, if where or how the information was obtained is unknown, but the law enforcement officer has probable cause to charge the violator, as defined in the Massachusetts General Laws Section 94A of Chapter 231, then the violator may be arrested, prosecuted, and punished in the jurisdiction of the account holder's residence or place of business.

SECTION 2. Section 37 of Chapter 266 of the Massachusetts General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting after the words "thereby shall be guilty of larceny" the following sentence: Whoever is charged with violating this section may be arrested, prosecuted, and punished in the same jurisdiction in which the check's information was illegally obtained, or where the check's information was illegally used, defrauding the account holder. Additionally, if where or how the information was obtained is unknown, but the law enforcement officer has probable cause to charge the violator, as defined in the Massachusetts General Laws Section 94A of Chapter 231, then the violator may be arrested, prosecuted, and punished in the jurisdiction of the account holder's residence or place of business.