

Cherokee Nation Code Annotated

Title 21: Crimes and Punishments

Part VII. Crimes Against Property

Chapter 61: False Pretenses, False Personations, Cheats and Frauds

§ 1541.4. "False or bogus check or checks" defined

Cite as: 21 CNCA § 1541.4

A. The term **"false or bogus check or checks"** shall include checks or orders, including those converted to electronic fund transfer, which are not honored on account of insufficient funds of the maker to pay same, or because the check or order was drawn on a closed account or on a nonexistent account when such checks or orders are given:

1. In exchange for money or property;
2. In exchange for any benefit or thing of value;
3. As a down payment for the purchase of any item of which the purchaser is taking immediate possession, as against the maker or drawer thereof; or
4. As payment made to a landlord under a lease or rental agreement.

B. The making, drawing, uttering or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in, or credit with, such bank or other depository; provided, such maker or drawer shall not have paid the drawee thereof the amount due thereon, together with the protest fees, within five (5) days from the date the same is presented for payment; and provided, further, that the check or order is presented for payment within thirty (30) days after same is delivered and accepted.

C. A check offered for the purchase of goods or livestock that is refused by a drawee shall not be considered to be an extension of credit by the seller of goods or livestock to the maker or drawer of the check.

D. A check or order offered to a merchant in payment on an open account of the maker with the merchant shall mean "a check or order given in exchange for a benefit or thing of value", notwithstanding that the merchant may debit the account of the maker or impose other charges pursuant to applicable law in the event the check or order is not honored.

Historical Data

LA 10–90, eff. November 13, 1990. Amended LA 07-21, eff. February 22, 2021.