

CHECKS OR DRAFTS--Insufficient fund checks. Applicability of
Section 4305 R. S. Mo. 1929.

March 23, 1937

3-26



Hon. Wayne V. Slankard
Prosecuting Attorney
Newton County
Neosho, Missouri

Dear Sir:

We have your request for an opinion which is as follows:

"A gives B a check drawn on a bank in which A does not have sufficient funds (although he has a small amount not sufficient to cover the check) to pay said check in full upon its presentation, in payment of work and labor performed by B for A.

Should A be charged under Section 4304 or 4305, R.S. Mo. 1929, and if it should be brought under Section 4305 will you please furnish me the form for the information.

I have charged a number of similar cases under Sec. 4305 and have never had it questioned. However, I have one filed now and the Judge does not seem to think the information is sufficient."

Section 4305 R. S. Missouri 1929, is aimed at the making, drawing, uttering or delivering of a check on a bank at a time when the maker "has not sufficient funds" in or credit with such bank. I enclose herewith a copy of an opinion

Hon. Wayne V. Slankard

-2-

March 23, 1937

written by this office February 10, 1937, to Mr. G. Logan Marr, relative to the applicability of Sections 4304, 4305 and 4306.

I am also enclosing a copy of the information used in the recent case of State vs. Taylor, 73 S. W(2)378. Although this information was not specifically passed on by the Court we are of the opinion that it is sufficient to meet the requirements of the statutes.

Respectfully submitted,

FRANKLIN E. REAGAN,
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General

FER:MM
Enclosures-2