
By: **Senators Hogan and Ferguson**
Introduced and read first time: February 5, 1999
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Bad Checks - Payment for Previous Property or Services**

3 FOR the purpose of prohibiting a person from uttering a bad check for certain
4 property or services previously provided to the person; making stylistic changes;
5 and generally relating to bad checks.

6 BY repealing and reenacting, with amendments,
7 Article 27 - Crimes and Punishments
8 Section 141
9 Annotated Code of Maryland
10 (1996 Replacement Volume and 1998 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article 27 - Crimes and Punishments**

14 141.

15 A person is guilty of obtaining property or services by a bad check when:

16 (a) (1) As a drawer or representative drawer, [he] THE PERSON obtains
17 property or services by uttering a check knowing that [he] THE PERSON or [his] THE
18 PERSON'S principal, as the case may be, has insufficient funds with the drawee to
19 cover the check and other outstanding checks;

20 (2) [He] THE PERSON intends or believes at the time of utterance of the
21 check that payment will be refused by the drawee upon presentation; and

22 (3) Payment of the check is refused by the drawee upon presentation;

23 (b) (1) [He] THE PERSON obtains property or services by passing a check
24 knowing that the drawer thereof has insufficient funds with the drawee to cover the
25 check and other outstanding checks;

1 (2) [He] THE PERSON intends or believes at the time the check is passed
2 that payment will be refused by the drawee upon presentation; and

3 (3) Payment of the check is refused by the drawee upon presentation;

4 (c) As a drawer or representative drawer, [he] THE PERSON obtains property
5 or services by uttering a check knowing that [he] THE PERSON or [his] THE
6 PERSON'S principal, as the case may be, at the time of uttering the check intends,
7 without the consent of the payee, to stop or countermand the payment of the check, or
8 otherwise to cause the drawee to disregard or dishonor or refuse to recognize the
9 check, and payment is refused by the drawee upon presentation;

10 (d) [He] THE PERSON obtains property or services by passing a check
11 knowing that payment of the check has been stopped or countermanded, or the
12 drawee of the check will disregard or dishonor or refuse to recognize the check, and
13 payment is refused by the drawee upon presentation; [or]

14 (e) (1) As a drawer or representative drawer, the person utters a check in
15 payment for services to be provided or previously provided by:

16 (i) An employee of the drawer or representative drawer; or

17 (ii) An independent contractor hired by the drawer or
18 representative drawer;

19 (2) The drawer or representative drawer:

20 (i) Intends or believes at the time of utterance that payment will
21 be refused by the drawee upon presentation; or

22 (ii) Knows that the drawer or representative drawer, or the
23 principal of the drawer or representative drawer, has insufficient funds with the
24 drawee to cover the check and other outstanding checks;

25 (3) The employee of the drawer or representative drawer or an
26 independent contractor hired by the drawer or representative drawer passes the
27 check to a third person; and

28 (4) Payment is refused by the drawee upon presentation[.]; OR

29 (F) AS A DRAWER OR REPRESENTATIVE DRAWER, THE PERSON UTTERS A
30 CHECK IN PAYMENT FOR PROPERTY OR SERVICES TO BE PROVIDED OR PREVIOUSLY
31 PROVIDED IF:

32 (1) THE DRAWER OR REPRESENTATIVE DRAWER:

33 (I) INTENDS OR BELIEVES AT THE TIME OF UTTERANCE THAT
34 PAYMENT WILL BE REFUSED BY THE DRAWEE UPON PRESENTATION; OR

35 (II) KNOWS THAT THE DRAWER OR REPRESENTATIVE DRAWER, OR
36 THE PRINCIPAL OF THE DRAWER OR REPRESENTATIVE DRAWER, HAS INSUFFICIENT

1 FUNDS WITH THE DRAWEE TO COVER THE CHECK AND OTHER OUTSTANDING
2 CHECKS; AND

3 (2) PAYMENT IS REFUSED BY THE DRAWEE ON PRESENTATION.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 1999.