

Article - Criminal Law

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§8-105.

(a) A person who obtains property or services by issuing or passing a check in violation of § 8-103 of this subtitle may not be prosecuted under this article, if:

(1) other than falsely representing that there are sufficient funds with the drawee to cover the check, the issuing or passing of the check is not accompanied by a false representation; and

(2) the person who obtains the property or services makes the check good within 10 days after the drawee dishonors the check.

(b) (1) A prosecution may not be commenced against a person described in subsection (a) of this section earlier than 10 days after the drawee dishonors the check.

(2) A person who obtains property or services by issuing a check in violation of § 8-103 of this subtitle may be prosecuted immediately under this article, if the person issuing the check:

(i) is the drawer; and

(ii) did not have an account with the drawee when the check was issued.

(c) Unless specifically charged by the State, obtaining property or services with a value of less than \$100 by issuing or passing a check in violation of § 8-103 of this subtitle, as provided in § 8-106(d) of this subtitle, may not be considered a lesser included crime of any other crime.

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