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**By: Delegates Hecht, Brinkley, Stup, Stull, Snodgrass, and Elliott**

Introduced and read first time: February 3, 1997

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Bad Checks - Rental of Real Property**

3 FOR the purpose of modifying a certain definition to make certain provisions relating to  
4 bad checks applicable to the payment of rent by check; and generally relating to  
5 leaseholds and bad checks.

6 BY repealing and reenacting, with amendments,  
7 Article 27 - Crimes and Punishments  
8 Section 340(i)  
9 Annotated Code of Maryland  
10 (1996 Replacement Volume)

11 BY repealing and reenacting, without amendments,  
12 Article 27 - Crimes and Punishments  
13 Section 140(g) and 141  
14 Annotated Code of Maryland  
15 (1996 Replacement Volume)

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

18 **Article 27 - Crimes and Punishments**

19 140.

20 (g) "Property" means property as defined in § 340(i) of this article.

21 141.

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

23 (a) (1) As a drawer or representative drawer, he obtains property or services by  
24 uttering a check knowing that he or his principal, as the case may be, has insufficient  
25 funds with the drawee to cover the check and other outstanding checks;

26 (2) He intends or believes at the time of utterance of the check that  
27 payment will be refused by the drawee upon presentation; and

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

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1 (b) (1) He obtains property or services by passing a check knowing that the  
2 drawer thereof has insufficient funds with the drawee to cover the check and other  
3 outstanding checks;

4 (2) He intends or believes at the time the check is passed that payment will  
5 be refused by the drawee upon presentation; and

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

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

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

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

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

19 (ii) An independent contractor hired by the drawer or representative  
20 drawer;

21 (2) The drawer or representative drawer:

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

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

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

30 (4) Payment is refused by the drawee upon presentation.

31 340.

32 (i) "Property" means anything of value, including but not limited to:

33 (1) Real estate, INCLUDING A LEASEHOLD INTEREST IN REAL  
34 PROPERTY;

35 (2) Money;

36 (3) Commercial instruments;

37 (4) Admission or transportation tickets;

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1 (5) Written instruments representing or embodying rights concerning  
2 anything of value, or services, or anything otherwise of value to the owner;

3 (6) Things growing on or affixed to, or found on land, or part of or affixed to  
4 any building;

5 (7) Electricity, gas, and water;

6 (8) Birds, animals, and fish which ordinarily are kept in a state of  
7 confinement;

8 (9) Food and drink;

9 (10) Samples, cultures, micro-organisms, specimens;

10 (11) Records, recordings, documents, blueprints, drawings, maps, and whole  
11 or partial copies, descriptions, photographs, prototypes or models thereof; or any other  
12 articles, materials, devices, substances, and whole or partial copies, descriptions,  
13 photographs, prototypes, or models thereof which represent evidence, reflect or record  
14 secret scientific, technical, merchandising productions or management information,  
15 designed process, procedure, formula, invention, trade secret, or improvement; and

16 (12) Financial instruments, information, electronically produced data,  
17 computer software and programs in either machine or human readable form, and other  
18 tangible or intangible items of value.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 1997.