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

Introduced and read first time: February 3, 1997

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: February 26, 1997

CHAPTER ____

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.

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1 141.

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

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

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

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

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

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

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

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

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

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

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

27 (ii) An independent contractor hired by the drawer or representative
28 drawer;

29 (2) The drawer or representative drawer:

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

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

35 (3) The employee of the drawer or representative drawer or an independent
36 contractor hired by the drawer or representative drawer passes the check to a third
37 person; and

3

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

2 340.

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

4 (1) Real estate, INCLUDING A LEASEHOLD INTEREST IN REAL
5 PROPERTY;

6 (2) Money;

7 (3) Commercial instruments;

8 (4) Admission or transportation tickets;

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

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

13 (7) Electricity, gas, and water;

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

16 (9) Food and drink;

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

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

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

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