
By: **Delegate Hecht**
Introduced and read first time: February 4, 1998
Assigned to: Judiciary

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
4 to bad checks applicable to the payment of rent by check; and generally relating
5 to 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 and 1997 Supplement)

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 and 1997 Supplement)

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 In this subheading, the following words have the meanings indicated:

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

22 141.

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

24 (a) (1) As a drawer or representative drawer, [he] THE PERSON obtains
25 property or services by uttering a check knowing that [he] THE PERSON or [his] THE

1 PERSON'S principal, as the case may be, has insufficient funds with the drawee to
2 cover the check and other outstanding checks;

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

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

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

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

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

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

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

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

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

25 (ii) An independent contractor hired by the drawer or
26 representative drawer;

27 (2) The drawer or representative drawer:

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

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

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

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

1 340.

2 In this subheading, the following words have the meanings indicated:

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
12 to 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
19 whole or partial copies, descriptions, photographs, prototypes or models thereof; or
20 any other articles, materials, devices, substances, and whole or partial copies,
21 descriptions, photographs, prototypes, or models thereof which represent evidence,
22 reflect or record secret scientific, technical, merchandising productions or
23 management information, designed process, procedure, formula, invention, trade
24 secret, or improvement; and

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 1998.