

SENATE BILL 314

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HB 1030/97 - ECM

1998 Regular Session  
8r0409

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By: **Senators Ferguson and Kelley**  
Introduced and read first time: February 5, 1998  
Assigned to: Judicial Proceedings

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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  
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.

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  
4 by uttering a check knowing that he or his principal, as the case may be, has  
5 insufficient 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  
13 will 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  
18 the payment of the check, or otherwise to cause the drawee to disregard or dishonor or  
19 refuse to recognize the check, and payment is refused by the drawee upon  
20 presentation;

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

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

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

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

30 (2) The drawer or representative drawer:

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

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

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

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

5 340.

6 In this subheading, the following words have the meanings indicated.

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

8 (1) Real estate, INCLUDING A LEASEHOLD INTEREST IN REAL  
9 PROPERTY;

10 (2) Money;

11 (3) Commercial instruments;

12 (4) Admission or transportation tickets;

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

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

17 (7) Electricity, gas, and water;

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

20 (9) Food and drink;

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

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

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

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