
By: **Delegate Rzepkowski**

Introduced and read first time: February 12, 2002

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Bad Checks - Interest**

3 FOR the purpose of authorizing a court to order a defendant to pay interest on certain
4 amounts after conviction of unlawfully obtaining property or services by passing
5 a check; providing for the computation of interest that may be awarded; and
6 generally relating to the crime of unlawfully obtaining property or services by
7 passing a check.

8 BY repealing and reenacting, with amendments,

9 Article - Criminal Law

10 Section 8-107

11 Annotated Code of Maryland

12 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of

13 2002)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Criminal Law**

17 8-107.

18 (A) In addition to the penalties provided in § 8-106 of this subtitle, if a person
19 obtains property or services by issuing or passing a check in violation of § 8-103 of
20 this subtitle, on conviction, the court:

21 (1) if the property has been recovered or is in the defendant's possession
22 or control, may order restoration of the property to any person with a property
23 interest in it;

24 (2) to the extent that the property is not restored or compensation has
25 not been provided for the services, may order restitution of the value of the property
26 or services [obtained] OBTAINED, TOGETHER WITH INTEREST COMPUTED UNDER
27 SUBSECTION (B) OF THIS SECTION, to be paid to:

28 (i) any person having a property interest in the property; or

- 1 (ii) the person who provided the services; and
- 2 (3) may order the defendant to pay a collection fee of up to \$35, for each
3 check, to:
- 4 (i) any person with a property interest in the property; or
- 5 (ii) the person who provided the services.

6 (B) INTEREST THAT MAY BE AWARDED UNDER SUBSECTION (A)(2) OF THIS
7 SECTION SHALL ACCRUE ON THE UNPAID AMOUNT OF THE CHECK AT THE LEGAL
8 RATE OF INTEREST STARTING ON THE 31ST DAY AFTER THE NOTICE OF DISHONOR IS
9 MAILED UNDER § 15-802(A) OF THE COMMERCIAL LAW ARTICLE.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect October 1, 2002.