

(a) A person convicted of obtaining property or services by a bad check when the property or services has a value of \$300 or greater is guilty of a felony and shall be fined not more than \$1,000, or be imprisoned for not more than 15 years, or be both fined and imprisoned in the discretion of the court.

(b) A person convicted of obtaining property or services by bad check when the property or services has a value of less than \$300 is guilty of a misdemeanor and shall be fined not more than \$100, or be imprisoned for not more than 18 months, or be both fined and imprisoned in the discretion of the court.

(c) In addition to the penalties provided in this section for conviction of the offense of obtaining property or services by a bad check the court may:

(1) Order restoration of any property which has been the object of the offense and has been recovered from the defendant or another, or which is in the defendant's possession or control, to any person or persons having a property interest therein; and

(2) Order restitution of the value of any property or services which has been the object of the offense. The restitution may be ordered to be paid to any person having a property interest in the property or the person who provided the services. Restitution may be ordered to the extent that the property is not restored or compensation has not been provided for the services.

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(a) The obtaining of property or services by uttering or passing a bad check, when the uttering or passing is not accompanied by any false representations other than a false representation that there are sufficient funds with the drawee to cover the check, may not be prosecuted under the subheading "theft" of this article, or under any other section of this article if the person who obtains the property or services makes the check good within ten days of dishonor by the drawee of the check; and no prosecution shall be commenced by warrant, information, indictment, or other charging document until the expiration of that period of ten days.

(b) A person who obtains property or services by uttering a bad check may be immediately prosecuted under the subheading "theft" of this article, or any other section of this article if the person uttering the check was the drawer and did not have an account with the drawee at the time of utterance.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1988.