

7-107. BAD CHECKS — PROSECUTION AS THEFT.

(A) SCOPE OF SECTION.

A PERSON WHO OBTAINS PROPERTY OR A SERVICE BY A BAD CHECK UNDER THE CIRCUMSTANCES DESCRIBED IN TITLE 8, SUBTITLE 1 OF THIS ARTICLE MAY NOT BE PROSECUTED FOR THEFT UNDER THIS PART UNLESS THAT PERSON:

(1) MAKES A FALSE REPRESENTATION THAT THERE ARE SUFFICIENT FUNDS IN THE DRAWEE BANK TO COVER THE CHECK; AND

(2) COMMITS DECEPTION AS PROVIDED UNDER § 7-104(B) OR (E) OF THIS PART.

(B) PRESUMPTIONS.

IF A PERSON IS PROSECUTED FOR THEFT UNDER THIS SECTION, THE PRESUMPTIONS OF § 8-104 OF THIS ARTICLE APPLY TO THE SAME EXTENT AS IF THE PERSON WERE PROSECUTED UNDER § 7-104 OF THIS PART.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 344(c).

In subsection (a) of this section, the reference to “[a] person” is substituted for the former reference to “the defendant” for clarity.

In subsection (a)(1) of this section, the former reference to “false representations” is deleted in light of the reference to a “false representation”, the singular form of the term. *See* Art. 1, § 8.

In subsection (b) of this section, the reference to a prosecution for theft “under this section” is added for clarity.

Throughout this section, other references to a “person” are added for clarity.

Defined terms: “Deception” § 7-101

“Obtain” § 7-101

“Person” § 1-101

“Property” § 7-101

“Service” § 7-101

“Theft” § 7-101

7-108. CHARGING DOCUMENTS.

(A) THEFT OTHER THAN TAKING A MOTOR VEHICLE.

AN INDICTMENT, INFORMATION, WARRANT, OR OTHER CHARGING DOCUMENT FOR THEFT UNDER THIS PART, OTHER THAN FOR TAKING A MOTOR VEHICLE UNDER § 7-105 OF THIS PART, IS SUFFICIENT IF IT SUBSTANTIALLY STATES: “(NAME OF DEFENDANT) ON (DATE) IN (COUNTY) STOLE (PROPERTY OR SERVICES STOLEN) OF (NAME OF VICTIM), HAVING A VALUE OF (LESS THAN \$500, OR \$500 OR MORE) IN