

A PERSON MAY NOT OBTAIN PROPERTY OR SERVICES BY PASSING A CHECK IF:

(1) THE PERSON KNOWS THAT THE DRAWER OF THE CHECK HAS INSUFFICIENT FUNDS WITH THE DRAWEE TO COVER THE CHECK AND OTHER OUTSTANDING CHECKS;

(2) THE PERSON INTENDS OR BELIEVES WHEN PASSING THE CHECK THAT PAYMENT WILL BE REFUSED BY THE DRAWEE ON PRESENTMENT; AND

(3) PAYMENT OF THE CHECK IS REFUSED BY THE DRAWEE ON PRESENTMENT.

(E) SAME — PASSING CHECK WITH KNOWLEDGE OF STOPPED PAYMENT OR DISHONOR.

A PERSON MAY NOT OBTAIN PROPERTY OR SERVICES BY PASSING A CHECK IF:

(1) THE PERSON KNOWS THAT:

(I) PAYMENT OF THE CHECK HAS BEEN STOPPED OR COUNTERMANDED; OR

(II) THE DRAWEE OF THE CHECK WILL DISREGARD, DISHONOR, OR REFUSE TO RECOGNIZE THE CHECK; AND

(2) PAYMENT IS REFUSED BY THE DRAWEE ON PRESENTMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 141.

This section is restated in standard language used to describe a prohibited act.

In this section and throughout this subtitle, the word "when" is substituted for the former phrase "at the time of" for brevity.

Also in this section and throughout this subtitle, the references to "presentment" of a check are substituted for the former references to "presentation" of a check for consistency with provisions of the Uniform Commercial Code relating to checks and other negotiable instruments. See, e.g., CL Title 3, Subtitle 5.

In subsections (a), (b), and (c) of this section, the former references to acting "[a]s a drawer or representative drawer" are deleted as surplusage in light of the definition of "issue".

In subsection (a)(1) of this section, the reference to knowing that "there are" insufficient funds is substituted for the former reference to knowing that "he or his principal, as the case may be, has" insufficient funds for clarity and brevity.

In subsection (b)(1) of this section, the reference to "the person or, in the case of a representative drawer, the person's principal" is substituted for