

8-105.

(a) A person who obtains property or services by issuing or passing a check in violation of § 8-103 of this subtitle may not be prosecuted under this article, if:

(1) other than falsely representing that there are sufficient funds with the drawee to cover the check, the issuing or passing of the check is not accompanied by a false representation; and

(2) the person who obtains the property or services makes the check good within 10 days after the drawee dishonors the check.

(b) (1) A prosecution may not be commenced against a person described in subsection (a) of this section earlier than 10 days after the drawee dishonors the check.

(2) A person who obtains property or services by issuing a check in violation of § 8-103 of this subtitle may be prosecuted immediately under this article, if the person issuing the check:

(i) is the drawer; and

(ii) did not have an account with the drawee when the check was issued.

(C) UNLESS SPECIFICALLY CHARGED BY THE STATE, OBTAINING PROPERTY OR SERVICES WITH A VALUE OF LESS THAN \$100 BY ISSUING OR PASSING A CHECK IN VIOLATION OF § 8-103 OF THIS SUBTITLE, AS PROVIDED IN § 8-106(D) OF THIS SUBTITLE, MAY NOT BE CONSIDERED A LESSER INCLUDED CRIME OF ANY OTHER CRIME.

8-106.

(a) A person who obtains property or services with a value of \$500 or more by issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding \$1,000 or both.

(b) A person who obtains property or services by issuing or passing more than one check in violation of § 8-103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding \$1,000 or both if:

(1) each check that is issued is for less than \$500 and is issued to the same person within a 30-day period; and

(2) the cumulative value of the property or services is \$500 or more.

(c) [A] EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (D) OF THIS SECTION, A person who obtains property or services with a value of less than \$500 by issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding \$100 or both.