

Annotated Code of Maryland
(1976 Replacement Volume and 1980 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article 27 - Crimes and Punishments

142.

(a) When the drawer of a check has insufficient funds with the drawee to cover it and other outstanding checks at the time of utterance, the subscribing drawer or representative drawer, as the case may be, is presumed to know of the insufficiency.

(b) A subscribing drawer or representative drawer, as the case may be, of an ultimately dishonored check is presumed to have intended or believed that the check would be dishonored upon presentation when:

(1) The drawer had no account with the drawee at the time of utterance; or

(2) (i) The drawer had insufficient funds with the drawee at the time of utterance to cover it and other outstanding checks; and

(ii) The check was presented to the drawee for payment not more than 30 days after the date of utterance; and

(iii) the drawer had insufficient funds with the drawee at the time of presentation.

(c) -{Dishonor of a check by the drawee, THAT THE DRAWER HAD NO ACCOUNT WITH THE DRAWEE AT THE TIME OF UTTERANCE, and insufficiency of the drawer's funds at the time of presentation AND UTTERANCE may properly be proved by introduction in evidence of a notice of protest of the check, or of a certificate under oath of an authorized representative of the drawee declaring the dishonor, LACK OF ACCOUNT and insufficiency, and this proof shall constitute presumptive evidence of the dishonor, LACK OF ACCOUNT and insufficiency.

(d)-{The fact that a drawer or representative drawer, without the consent of the payee, stopped or countermanded the payment of the check, or otherwise caused the drawee to disregard or dishonor or refuse to recognize the check without returning or tendering the return of the property obtained, constitutes presumptive evidence that the drawer or representative drawer had the intent to stop or countermand payment or otherwise cause the drawee to disregard or dishonor or refuse to recognize the check at the time of uttering.