

35.702 Making, drawing, or uttering check, draft, or order without sufficient funds.

- (1) Any person subject to this code is guilty of making, drawing, or uttering a check, draft, or order without sufficient funds and shall be punished as a court-martial may direct who:
 - (a) For the procurement of any article or thing of value, with the intent to defraud;
or
 - (b) For the payment of any past due obligation, or for any other purpose, with intent to deceive;makes, draws, utters, or delivers any check, draft, or order for the payment of money upon any bank or other depository, knowing at the time that the maker or drawer has not or will not have sufficient funds in, or credit with, the bank or other depository for the payment of that check, draft, or order in full upon its presentment.
- (2) The making, drawing, uttering, or delivering by a maker or drawer of a check, draft, or order, payment of which is refused by the drawee because of insufficient funds of the maker or drawer in the drawee's possession or control, is prima facie evidence of his or her intent to defraud or deceive and of his or her knowledge of insufficient funds in, or credit with, that bank or other depository, unless the maker or drawer pays the holder the amount due within five (5) days after receiving notice, orally or in writing, that the check, draft, or order was not paid on presentment.
- (3) In this section, "credit" means an arrangement or understanding, express or implied, with the bank or other depository for the payment of that check, draft, or order.

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