

(C) DISHONOR OF A CHECK BY THE DRAWEE AND INSUFFICIENCY OF THE DRAWER'S FUNDS AT THE TIME OF PRESENTATION 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 AND INSUFFICIENCY, AND ~~SUCH PROOF~~ THIS PROOF SHALL CONSTITUTE PRESUMPTIVE EVIDENCE ~~OF SUCH OF THE~~ DISHONOR 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 THE PROPERTY OBTAINED, CONSTITUTES PRESUMPTIVE EVIDENCE THAT THE DRAWER OR REPRESENTATIVE DRAWER HAD THE INTENT TO STOP OR COUNTERMANT PAYMENT OR OTHERWISE CAUSE THE DRAWEE TO DISREGARD OR DISHONOR OR REFUSE TO RECOGNIZE THE CHECK AT THE TIME OF UTTERING.

143. PENALTIES AND RESTITUTION.

(A) A PERSON CONVICTED OF OBTAINING PROPERTY OR SERVICES BY A BAD CHECK WHEN THE PROPERTY OR SERVICES HAS A VALUE OF \$300 OR GREATER IS GUILTY OF A FELONY AND SHALL BE FINED NOT MORE THAN \$1,000, OR BE IMPRISONED FOR NOT MORE THAN 15 YEARS, OR BE BOTH FINED AND IMPRISONED IN THE DISCRETION OF THE COURT.

(B) A PERSON CONVICTED OF OBTAINING PROPERTY OR SERVICES BY BAD CHECK WHEN THE PROPERTY OR SERVICES HAS A VALUE OF LESS THAN ~~\$300~~ \$100 IS GUILTY OF A MISDEMEANOR AND SHALL BE FINED NOT MORE THAN \$300, OR BE IMPRISONED FOR NOT MORE THAN 18 MONTHS, OR BE BOTH FINED AND IMPRISONED IN THE DISCRETION OF THE COURT.

(C) IN ADDITION TO THE PENALTIES PROVIDED IN THIS SECTION FOR CONVICTION OF THE OFFENSE OF OBTAINING PROPERTY OR SERVICES BY A BAD CHECK THE COURT MAY:

(1) ORDER RESTORATION OF ANY PROPERTY WHICH HAS BEEN THE OBJECT OF THE OFFENSE AND HAS BEEN RECOVERED FROM THE DEFENDANT OR ANOTHER, OR WHICH IS IN THE DEFENDANT'S POSSESSION OR CONTROL, TO ANY PERSON OR PERSONS HAVING A PROPERTY INTEREST THEREIN; AND

(2) ORDER RESTITUTION OF THE VALUE OF ANY PROPERTY OR SERVICES WHICH HAS BEEN THE OBJECT OF THE OFFENSE. THE RESTITUTION MAY BE ORDERED TO BE PAID TO ANY PERSON HAVING A PROPERTY INTEREST IN THE PROPERTY OR THE PERSON WHO PROVIDED THE SERVICES. RESTITUTION MAY BE ORDERED TO THE EXTENT THAT THE PROPERTY IS NOT RESTORED OR COMPENSATION HAS NOT BEEN PROVIDED FOR THE SERVICES.

144. OBTAINING PROPERTY OR SERVICES BY UTTERING OR PASSING A BAD CHECK; LIMITATION ON PROSECUTION.