

## FELONY DISHONORED CHECK INFORMATION PACKET CHECKS ISSUED FOR \$500 OR MORE

Most checks cannot be prosecuted unless they have the first name, middle name, last name and date of birth displayed or written on the check or they have the full name and the driver's license number displayed or written on the check. This is because often no one can remember who actually passed the dishonored check. **IF NO IDENTIFICATION IS REQUESTED AND NO IDENTIFICATION CAN BE MADE, THE CHECK WILL NOT BE PROSECUTED.**

The sheriff's office, city attorneys and/or county attorneys prosecute crimes. We cannot act as bill collectors. This means once the crime has been reported to the sheriff's office, **YOU ARE NOT TO MAKE ANY AGREEMENTS OR ACCEPT ANY PAYMENTS FROM THE CHECK WRITER ONCE YOU HAVE TURNED THE CHECK IN THE SHERIFF'S DEPARTMENT.** Call the sheriff's office to ask what to do if you have any questions (218) 281-0431.

**IF THE CHECK AND REQUIRED PAPERWORK IS NOT TURNED OVER TO THE SHERIFF'S OFFICE WITHIN 60 DAYS OF BEING RECEIVED BY YOU, IT MAY NOT BE ACCEPTED FOR PROSECUTION.** When a crime occurs, report it promptly to the sheriff's office. Understand that as a merchant, you must first try to get payment by phone calls and by sending a Notice and Demand for Payment of Dishonored Check (by certified, return receipt mail) to the check writer's last known address.

Any check you turn in for prosecution must be a check, which you received in return for merchandise or services at the time the merchandise or service was provided. If the check is post-dated, you have agreed to hold the check, payment on an existing debt account, or if you are a business who extends net due date, it cannot be prosecuted as a crime. In these situations, you will need to seek collection through civil means, such as collection agency or conciliation court.

### STEP-BY-STEP DISHONORED CHECK PROCEDURE

1. If the check is NSF, call the bank on which the check is drawn and see if there are sufficient funds to cover the check before running it through a second time. Take the check to the bank for collection or redeposit the check if there are sufficient funds.
2. Call the customer who has written the dishonored check in an attempt to collect if you have no success with the bank.
3. If #1 and #2 above fail, or if the account is closed, complete a "Notice and Demand for Payment of Dishonored Check" form. (Form is attached) Make a copy of the completed form for your file. Send the original by certified mail with return receipt to the party who wrote you the check.
  - a. If your business is that of a hotel or motel and you receive a dishonored check, you must also include an "Innkeeper Demand Letter" for defrauding an innkeeper.
  - b. Both of these forms are available at the sheriff's office or you may make photocopies of those enclosed for your supply.
4. The party who wrote you the check has five (5) business days after receipt of the mailing to make the check good. If they refuse your mailing, it will come back to you. Keep it with your file.
5. If you still have not received satisfaction for the dishonored check, you must then complete a "Fraudulent Check Report" on which you will document information concerning you and/or your business. (Form is attached)
6. When the above steps are completed, you will need to bring in the following documents to the sheriff's office. If you do not have all of these documents, the sheriff's office cannot proceed with criminal action.
  - a. Original dishonored check(s)
  - b. Return receipt (green card) from your certified letter
  - c. Copy of the Notice and Demand for Payment of Dishonored Check
  - d. Completed Fraudulent Check Report
  - e. (If applicable) Copy of Innkeeper Demand Letter

### SUGGESTIONS TO AVOID DISHONORED CHECKS

Over 90 percent of all business transactions are handled by check. Therefore, it is very important that all of your employees know the procedure for accepting checks in your business.

Below are some basic guidelines.

1. Never allow the check to be written for more than the purchase amount.
2. Do not accept third-party checks
3. Beware of checks drawn on banks outside the local area.
4. Beware of customers who are from out of town and out of state.
5. Be alert if the check number is low. Although some discount check printers will allow accounts to start with high check numbers.
6. Take notice of a small date by the name and address indicating when the account was opened.
7. Require a **PICTURE ID** if you do not know the customer. Make sure the address and phone number are correct as it appears on the check. Don't ask the customer if it is correct. Confirm the address while reviewing the ID. Also put birth dates and driver's license numbers on the check.
8. Make sure the employee accepting the check puts their initials somewhere on the face of the check. The person accepting the check is a witness to the action.
9. Set a store limit on the amount of the check the cashier can accept. If it is over the amount, call for a supervisor. This will allow two people to identify the check writer and approve the check.

**NOTICE AND DEMAND FOR PAYMENT OF  
DISHONORED CHECK**

**NEED NEW FORM HERE**

FRAUDULENT CHECK REPORT

Name of Victim: (i.e. person or business to whom check is written)

Mailing and Physical Address

Phone Number

Check Amount \$ \_\_\_\_\_ Date Check Received \_\_\_\_/\_\_\_\_/\_\_\_\_  
\$ \_\_\_\_\_/\_\_\_\_/\_\_\_\_

Check Service Charge \$ \_\_\_\_\_ \$ \_\_\_\_\_

Location Where Check Received: \_\_\_\_\_  
Other City

Name/Address of Person/Clerk Accepting Check \_\_\_\_\_

Was merchandise or cash received the same day the check was received: Yes No

Was identification requested? Yes No

What type of Identification was shown? (i.e. Driver's License) \_\_\_\_\_

**Answer Questions Below if Applicable**

If identification was not printed on check, and you answered Yes above, please indicate why identifiers were not written on check \_\_\_\_\_

Have any collection efforts been previously made? Yes No

If yes, what promises, agreements, partial payment or statements were made by either party? (Give specific details) \_\_\_\_\_

Date Notice and Demand for Payment of Dishonored Check form was sent \_\_\_\_/\_\_\_\_/\_\_\_\_.

Before submitting this form to the Polk County Sheriff's Office, please attach the following:

\_\_\_\_\_ Green Receipt card from Certified Mailing or Returned Letter if not accepted or deliverable.

\_\_\_\_\_ Copy of Notice and Demand for Payment of Dishonored Check form

\_\_\_\_\_ Original Check(s)

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Printed Name \_\_\_\_\_ Position \_\_\_\_\_

Signature \_\_\_\_\_

Note: If contacted by the defendant after the case is referred to Polk County Sheriff, Please refer defendant to Polk County Sheriff's Office (218) 281-0431.