

BAD CHECK INFORMATION AND COMPLAINT FORM

When a bad check complaint is made, the Prosecuting Attorney's Office determines whether criminal charges can be filed. If charges are filed, an arrest warrant is issued, and when arrested, the check writer is brought to court. If the defendant pleads guilty, the court pronounces sentence and the complainant need not appear. If the defendant pleads not guilty, a trial date is set and the witnesses are subpoenaed to testify.

IT IS ESSENTIAL THAT THE PERSON WHO ACCEPTED THE CHECK FROM THE DEFENDANT BE ABLE TO IDENTIFY HIM/HER IN COURT.

COMPLAINANT:

Name of business or person defrauded_____

Address_____Telephone_____

Name of person who actually accepted check_____

Address_____Telephone_____

Can he/she positively identify check writer? Yes _____ No _____

Was check postdated?_____ Was a partial payment accepted?_____

Was check passed in Boone County?_____ Was check received by mail?_____

Was there any agreement between parties to hold this check?_____

CHECK WRITER:

Name_____

Address_____

Driver's License # _____ State_____

Date of Birth_____ Place of Employment_____

Student ID#_____ School_____

Amount of check(s) _____

Additional information regarding check writer_____

GENERAL INFORMATION & PROCEDURE FOR BAD CHECKS

Cashing a check is a privilege. Insist on proper identification.

These instructions and information will assist you and the Prosecuting Attorney's Office in efficiently handling bad checks. If you do not want the check writer prosecuted, you should NOT bring the check to this office, but should consult your own attorney or private collection agency.

PROCEDURE:

Upon receipt of check(s) from your bank, complete a Bad Check Information and Complaint Form, attach the check and submit immediately to this office.

In the event of a conviction, should the court order restitution, it will be paid to the Circuit Clerk and distributed to all victims when the total amount has been collected. Should a defendant pay restitution prior to his/her court appearance, it will be collected in this office and sent directly to you.

Absent unusual facts, we will not prosecute checks in the following situations:

1. If the person who accepted the check is unknown or not available.
2. If the person who accepted the check cannot identify the check writer.
3. If you do not have the driver's license number and the state issued.
4. If the check is more than 60 days old.
5. If you have taken partial payment on the check.
6. If you have an agreement between the parties to hold the check.
7. If the check was not dated or was postdated.

REQUIREMENTS:

1. Get driver's license number and state where issued and date of birth.
2. Require check to be written in your presence.
3. Check must be legible.
4. Require current address.
5. Checks taken by employees should always be initialed.
6. **DON'T TAKE OUT OF STATE CHECKS** unless you are willing to accept the risk of loss.

Please contact this office if you have any questions or if we can help you in any way, 573-886-4121.