

BAD CHECKS – INSTRUCTIONS AND PROCEDURES

WHEN TAKING A CHECK FROM CUSTOMERS:

1. Always make sure that the check being presented contains the following information:
 - a. Date of Birth
 - b. Driver's License Number
 - c. Complete Physical Address (a PO Box is not a complete address)
 - d. The store clerk/cashier must initial the check
2. Always verify that the photo on the driver's license matches the identity of the person presenting the check, and verify that the address is current.

Please Note: The Fremont County Attorney's Office will not accept bad checks for prosecution without the date of birth, driver's license number, and complete physical address of the person presenting the check. Additionally, the check must be initialed by the store clerk/cashier who can identify the individual who presented the check.

CHECKS RETURNED AS "NON-SUFFICIENT FUNDS":

1. A Ten Day Check Notice is a document which informs the individual that the check amount must be paid with ten (10) days, and also explains the penalties of the crime. When a check is returned as "Non-Sufficient Funds" a Ten Day Check Notice must be filled out and should include the amounts of any check fee charges, certified mail charges, or Sheriff's service fees. The Ten Day Check Notice must be sent to the individual by certified mail (return receipt), or served upon the individual by the Sheriff of the County and State of which the person resides in. Retain a copy of the Ten Day Check Notice.
2. If full payment is not received within ten (10) days for date of service, please note the following:
 - a. If the check amount **exceeds \$200.00** you must contact local law enforcement, and provide them with the original check, along with all accompanying documentation.
 - b. If the check amount is **under \$200.00**, the original check and all accompanying documentation may be turned over to the Fremont County Attorney's Office for prosecution.

CHECKS RETURNED AS “ACCOUNT CLOSED” OR “NO ACCOUNT”

1. You are not required to send a Ten Day Check Notice on checks returned as “Account Closed” or “No Account,” however, please note the following.
 - a. The Check must be stamped by the bank as “Account Closed or “ No Account” prior to the check being turned over to law enforcement or the Fremont County Attorney’s Office.
 - b. If the check amount **exceeds \$200.00** you must contact local law enforcement, and provide them with the original check.
 - c. If the check amount is **under \$200.00**, you may turn the original check over to the Fremont County Attorney’s Office for prosecution.
 - d. On “Account Closed” checks, we encourage you to contact the individual’s bank to inquire as to who closed the account and the date the account was closed. If the account was closed by the bank, please ask if the account holder was given notice of their account being closed.

SUSPECTED CHECK FORGERIES:

1. Contact local law enforcement to report any suspected check forgery. You would be required to provide law enforcement with the original check and any other documentation pertaining to the suspected check forgery.

FILING OF COMPLAINT AND AFFIDAVIT:

1. Once a check is turned over to the Fremont County Attorney’s Office, Fremont County Sheriff’s Department, or any local City Officer, a Complaint and Affidavit will likely be filed, accusing the individual of the crime of Theft.
2. If the Magistrate Judge finds probable cause on the Complaint and Affidavit, he or she will either issue a summons for the individual to appear in court, or will issue an arrest warrant.

PLEASE NOTE: Once a Complaint and Affidavit has been filed with the court, you can no longer accept payment from the individual. Payment can only be made through the Clerk of Court because of applicable court costs, which could include fines, surcharges and restitution.