

Worthless Check Procedures

PROCEDURE WHEN ACCEPTING A CHECK

- Establish a firm policy regarding the cashing of checks for amounts over the cost of merchandise. If you permit this, assign the responsibility for approving such checks to specific employees.
- Require a valid check, with all items of information legibly filled in, including the maker's address, place of employment and telephone number, complete date, and the same amount expressed in numerals and words. Post Office Box numbers must be accompanied by an address where maker resides.
- Require the check to be signed in the presence of an employee. **If the employee cannot read the maker's signature, ask him or her to write it again.**
- **Require identification.** Do not hesitate to compare the photograph or description on the identification to the person, and to compare the signature to that on the check. **BE SURE ALL IDENTIFICATION IS CURRENT.** If the person presenting the check refuses to give identification, or there is insufficient identification, do not cash the check.
- An employee should record all identification numbers on the check itself and should place his initials on the check when he accepts it. There is almost no chance of conviction if the person who accepts the check cannot identify the maker of the check in court.
- Do not accept an undated or post-dated check.
- Never hold a check for over thirty days before presenting it to the bank for payment, and if the bank returns it takes immediate action.

The District Attorney's Office may not file a criminal complaint for the following type checks

CHECKS TO AVOID

- Checks where ten (10) day notice was not given by certified mail/return receipt requested.
- Postdated, "Hold" or "Stop Payment" or "No Account Found" checks.
- Checks drawn on out of Parish or out of State banks: unless the holder is willing to pay to transport the bookkeeper here from the state where the bank is located, if necessary, for prosecution.
- Checks where the passer lives out of state.
- Checks not presented to your bank in due course of business, which should be within (ten days) from the date of the check.

- Three party checks. (Checks payable to someone other than merchant)
- Check for which partial payment has been received.
- A check given in exchange for a returned check.
- A check more than one (1) year old.

PROCEDURE WHEN A CHECK IS RETURNED

For the 26th Judicial District Attorney to effectively prosecute offenders under Revised Statutes 14:71, Issuing Worthless Checks and 16:15, Issuing Worthless Checks, it has adopted the following policies.

1. The holder of the check must present it to the named bank for payment even in those instances when it is known that the check will not be honored.
2. The bank, upon returning a “Hot Check” **will attach a Bank Flag or will stamp the check indicating why the check was not honored. The flag should be left attached to the check.**
3. The holder must give a 10-day written notice by certified mail, return receipt requested, to the
4. maker, informing him that the check was not honored by the bank and should set forth the reason
5. as noted on the flag. A copy of the written notice must be made and retained by the complainant.
6. The letter must state that the maker has ten days after receiving this notice to make the good, or the check will be turned over to the District Attorney’s Office of Collection.
7. If the maker does not pay or cause the check to be honored within ten (10) days after the mailing of the notice, then the check may be presented to the District Attorney’s Office for criminal prosecution.

The check must be presented to the District Attorney’s Office with the Notarized Worthless check Report Form:

1. The check must be accompanied with the bank flag or other proof of dishonor such as bank stamp.
2. A signed postal return receipt or returned letter that is un-deliverable.
3. A copy of the 10-day Demand letter.
4. The name and information of the person who accepted the check and who can identify the person who passed the same.
5. Complete verified address. Post Office Box numbers must be accompanied by an address where the maker resides.
6. Louisiana Driver’s license number.

7. Military Unit and home address must be on all checks given by persons in the service.

Worthless Check Report Form Procedures - All information is to be filled out on the worthless check report.

- 1) Victim information
- 2) Person accepting the check. The employee's information must be filled out – Name, Address, Emp ID number, Last 4 SS#, Phone Number, and Date the check was accepted.
- 3) All check information filled out. - Bank, Address, Check number, Reason for Insufficient, Amount of the check.
- 4) Information on the check writer filled out completely. - Name, Phone, Address, Driver License number, DOB, Sex, Race, Height, Weight, Eyes, Hair.
- 5) Certified Letter filled out with the Certified Receipt number on the check report, Original Green Card and Return Receipt mailed in with worthless check report form.
- 6) Certified Legal Copy of the Actual Check from the bank. **(No photocopies)**
- 7) Notarized and signed by the representative and/or complainants'