

Bad Check Program

If you are a Please read everything carefully and fill in the forms completely. If you have any questions, please do not hesitate to call our office at 788-2545.

Please follow these steps when dealing with a possible bad check:

1. Follow the guidelines under "Tips for Check Cashing Procedures."
2. If a check is returned from the bank for insufficient funds, please resubmit it. A closed account check only needs to be submitted once.
3. If the check is still unsatisfied, send notice by registered or restricted certified mail (sample forms are included in this packet).
4. If the certified 10-day notice letter is not accepted by the party who wrote the check, you should contact the Sheriff's Department and have them attempt to make personal service of the 10-day notice.
5. If the check owner responds that the check was stolen or forged, call local law enforcement. A stolen or forged check requires investigation and should not be submitted to the County Attorney's Office directly.
6. After ten days has expired from the receipt of the 10-day notice (as shown by the postal return receipt or the Sheriff's Return of Service), you should fill out the Checklist for Bad Check Eligibility form which may be obtained from the County Attorney's office.
7. If you meet all the criteria in the Checklist, submit the case in one of the following ways:
 1. If the total face amount(s) of the check(s) is \$200.00 or less, the case should be submitted to the County Attorney's Office.
 2. If the total face amount(s) of the check(s) is more than \$200.00, the case should be submitted to law enforcement.
8. When submitting the case for prosecution to either the police department or the County Attorney's Office, the following must be submitted:
 1. A copy of the Eligibility Checklist filled out completely.
 2. A copy of the Bad Check Questionnaire filled out completely for each bad check being submitted.
 3. The original bad check(s).
 4. The original postal return receipt or Sheriff's Department Return of Service for the 10-day notice.
 5. A copy of the 10-day notice.
9. If you have a film or video tape recording of the transaction, the film or video tape must be surrendered to the police department so it can be preserved as evidence.
10. If you submit the case for prosecution and it is accepted, you should not accept any payment or partial payment on the check. Once the case is submitted to our office, the check writer should be referred to our office with any questions.
11. After the check is prosecuted you must notify the County Attorney's Office that restitution has been made. Be sure to give the check writer a receipt.

Please feel free to copy this packet and keep the blank forms so you can report Insufficient Funds (NSF) or Closed Account checks in the futures. Each check writer must be handled as a separate complaint. You cannot combine multiple check writers on one complaint. However, you should combine checks written on the same account by the same check writer provided that a Bad Check Questionnaire is filled out for each check.

Tips for Check Cashing Procedures

1. The cashier should compare:
 - o the pre-printed name with the signature; and
 - o the date with the current date (do not accept post-dated checks); and
 - o the numeric amount with the handwritten amount
2. The check writer should be asked for either an Iowa Driver's License or an Iowa I.D. card. Both of these are photographic I.D. cards issued by the Iowa Department of Transportation.
3. A comparison should be made between the photograph and the person presenting the check.
4. The following information from the photo I.D. should be written on the front of the check:
 - o Iowa Driver's License number or Iowa I.D. card number; and date of birth; OR
 - o Social Security number; and
 - o cashier's initials or identifying code number
5. The check writer should be asked for current address and phone number. These should be written on the face of the check if the pre-printed information does not match.
6. It is not required, but helpful to note (particularly for suspicious checks):
 - o gender
 - o physical description: height, weight, hair and eye color, distinguishing characteristics
7. Photographic or videotape evidence, if collected, is the best evidence of identity!

Identification is critical, not only for prosecution; information such as address, social security number and date of birth are necessary for issuing an arrest warrant or serving a summons.

If we cannot identify the person passing the checks beyond a reasonable doubt, we will be unable to prosecute the case.

CHECKLIST FOR BAD CHECK ELIGIBILITY

1. The check was written and passed in Grundy County
2. The total face amount(s) of the check(s) is \$10.00 or more
3. The check fits in NONE of these categories:

- Stop payment check
 - Government check
 - Payroll check*
 - Two-party check
4. The check was presented in person
 5. The check was not pre-dated or post-dated
 6. The check was NOT a payment on an installment loan
 7. The payee is NEITHER a credit adjustment company NOR a collection agency
 8. The check is NOT reported by the owner as stolen or forged
 9. There have been no partial payments on the check
 10. The cashier obtained ID from the presenter and wrote on the check the following:
 - Iowa Driver's License number and Date of Birth; or
 - Iowa I.D. number and Date of Birth; or
 - Social security number of the presenter
 11. Either:
 - The initials of the cashier are on the check; OR
 - The cashier remembers this transaction specifically
 12. Either:
 - The cashier can identify the presenter personally; OR
 - The cashier can testify beyond a reasonable doubt that the person presenting the check was the person shown in the Iowa photo I.D. noted on the check; OR
 - The transaction is on film and the film establishes the check writer's identity**
 13. The cashier is willing and able to testify AND the cashier's name, address, and phone number are known and included on the bad check questionnaire.
 14. Either:
 - The check presented is a closed account that was presented once; OR
 - The check is an insufficient funds (NSF) check that was presented twice.
 15. A 10-day notice was sent by restricted certified mail or by personal service by the Sheriff's Department.
 16. ALL of the following documents are attached:
 - The ORIGINAL bad check
 - The ORIGINAL postal return receipt or Sheriff's Department return of service.
 - A copy of the 10-day notice
 17. The Bad Check Questionnaire is completely filled out for each check
 18. The restitution form is completely filled out
 19. No collection fees or bad check fees are included on the restitution form

If you are unable to check all of the boxes (1-18), we will be unable to prosecute the case.
If you have any questions, please contact the County Attorney's office at 319-788-2545.

* If you have a problem with a payroll check, you should contact the Department of Labor at (515) 286-3606.

** If you have the transaction on film or video tape, the film or video tape must be surrendered to the Police Department so it can be preserved as evidence in the prosecution.