

Worthless Checks

For successful prosecution of applicable law violations, we must be able to prove a number of elements including the check writer's intent not to pay the check, and most importantly, the check writer's identity. Proving the check writer did not intend to pay the check is relatively simple. In the case of an Account Closed check, this intent is shown through the check writer not having an existing checking account, or in the case of a Non-Sufficient Funds check, fails to pay for the check within five (5) working days after receiving your notice of Demand for Payment of the check writer. Proving the identity of the check writer is more difficult and requires you to make inquiries of the check writer. Positive identification of the check writer must be made by checking proper identification (proper identification is a state driver's license or a state identification card).

To assist in the successful investigation of and prosecution of worthless checks complaints leading directly to an increase in the recovery of your losses, the Police Department requires the following information:

Identification of the Person Accepting the Check

Clerk must initial the check when the check is accepted.

Identification of the Check Writer

The check writer's full name must appear on the face of the check. Clerk must identify the check writer by the actual physical comparison of the check writer's driver's license number printed on the face of the check to the driver's license the writer offers as identification, or the clerk must verify the check writer's date of birth by actual physical comparison of a state identification card. In either case, the writer's driver license number and state of issue must be written in a prominent place on the face of the check. Due to transient nature of many people, it is requested that the clerk inquire into the check writer's current address and telephone information and if different than shown on the check, record the new information onto the face of the check.

Notification of/Demand for Payment

Upon return of a check to your business, you must send, by certified or registered United States mail, written notice to the check writer informing the check writer that their check was not honored and demand payment for the check. The letter must demand full payment to you within five (5) working days after the check writer's receipt of the letter. In the case of Non-Sufficient Funds checks, the check must have been passed through the banking system a minimum of two (2) times and returned with the instructions, "Do Not Re-Deposit" or "Presented Twice" before it will be accepted for investigation. Account Closed checks need only go through the bank one (1) time.

If the check writer does not pay for the check within five (5) working days of your Notification of/Demand for Payment, or it is returned to you by the United States Postal Service, please use the following procedure:

- Fully complete a New Richmond Police Department prosecution fact sheet (an incomplete or in-accurate fact sheet and check shall be returned to the submitted business).
- Deliver the completed prosecution fact sheet, a copy of your Notification of/Demand for Payment notice, a copy of a signed certified or registered mail receipt, and the original check to the Police Department.
- In the cases where the check has been returned to you as a forgery, an “Affidavit of Forgery” completed by the account owner must also accompany the check before the Police Department will accept the check for investigation.

Note: Any check must be turned over the Police Department no more than 90 days after it was issued.

Provided that the above is done, the Police Department shall, upon receipt of your complaint, charge the check writer with Issuance of a Worthless Check. If the check writer is ordered by the court to pay restitution, that restitution shall be turned over to you when the court receives it.

Please Note:

Once you have turned a check into the Police Department, **DO NOT** accept payment of any kind from the check writer.

The following types of checks are **CIVIL ACTIONS**

1. Payment stopped checks
2. Post dated checks
3. Agreement to hold checks
4. Partial payment checks
5. Past consideration checks
6. Payment on account checks
7. No or improper identification on check writer
8. Checks under \$50.00

It should be noted that the Police Department’s ability to enforce violations of the law is greatly diminished when the check writer is from outside the State of Wisconsin.

Your full cooperation will greatly increase the recovery of your losses and aid in the effective and efficient prosecution of these violations of the law.

If you have any questions about this policy, or if the Police Department can be of any assistance to you, please contact Chief Mark Samestad at (715) 246-6667.