

Dear Mr. Doe:

Your check # 000 dated June 20, 1994, in the amount of \$000.00 given for the stereo you purchased on the same date has been returned by the State Bank marked "insufficient funds" (or other reason marked on the check by the bank.).

You have ten (10) days from receipt of this letter to bring payment in cash, cashier's check or money order for the amount of the check plus a \$25.00 charge for handling or this matter will be turned over to the prosecutor's office.

Sincerely,

Be sure to keep a copy of this letter. If, after 10 days the check hasn't been paid, you must personally bring it to this office and furnish the following:

1. The original check with the bank flag or notation with the reason it was not honored;
2. The signed receipt from the certified letter or the correspondence (unopened) marked refused or unclaimed;
3. If the check is \$1500.00 or more it will be classified as a felony and should be taken to the District Attorney's office for prosecution by the District Attorney. The District Attorney's telephone number is (409) 632-5090.

C. PROCEDURE WHEN THE CHECK IS TURNED OVER TO THE PROSECUTOR'S OFFICE

When you bring in a check, it will be logged and a search made to see if the maker has any other hot check offenses pending. If there is, your will be combined with the one previously filed to expedite your restitution.

If not, the office usually notifies the writer that a case is about to be field against him. If he does not make restitution and pay the process fee, prosecution procedures will be started.

The Hot Check Fee Act was passed by the Legislature to defray some of the prosecution expense and require the hot check writer to help bear the cost of his misdeed. Because of the hot check fee. It may cost him up to double the amount of the check. After filing, there could be additional expenses of a fine and court costs which can be several hundred dollars.

Hopefully, this pamphlet explains the importance of your role in getting the necessary information to enable this office to control the check problem and get you the restitution you deserve.

If you have any questions or problems please contact:

STEPHEN J. SIKES
Criminal Investigator
For the County Attorney's Office
(936) 634-5995

Conviction for Theft By Check

Carries the following

Maximum penalties:

Check for

\$0 — \$19.99

\$500.00 Fine

Check for

\$20.00—\$499.99

\$2,000.00 Fine &

6 MONTHS JAIL TIME

Check for

\$500.00—\$1499.99

\$4,000.00 FINE &

Angelina County

ANGELINA COUNTY ATTORNEY

HOT CHECKS



TEL: 936-634-5995



PRECAUTIONS

DEAR MERCHANT:

“IT ALWAYS HAPPENS TO THE OTHER PERSON” IS NOT ALWAYS TRUE. **YOU** COULD BE THE VICTIM OF ONE OF TODAY’S MOST RAMPANT CRIMES—HOT CHECKS. THE PURPOSE OF THIS PAMPHLET IS TO ALERT YOU, EDUCATE YOU AND ASSURE YOU THAT THIS OFFICE WILL DO EVERYTHING POSSIBLE TO PROSECUTE THE HOT CHECK WRITER.

I HOPE THE INFORMATION YOU ARE ABOUT TO READ ASSISTS YOU. ALERT AND KNOWLEDGEABLE CITIZENS ARE THE FIRST DEFENSE AGAINST ALL CRIMES—PARTICULARLY HOT CHECKS. IF YOU HAVE ANY QUESTIONS, CONTACT MY OFFICE AT THE NUMBER ON THE FRONT OF THE PAMPHLET. REMEMBER, HOT CHECKS CAN BE CONTROLLED **ONLY WITH YOUR HELP.**

THANK YOU.

ED C. JONES
COUNTY ATTORNEY
ANGELINA COUNTY

A. PROCEDURE WHEN TAKING A CHECK

It is vital that you stress to your employees the importance of being thorough when accepting a check. If your establishment has set a policy for all customers then no one should have any reason to feel they are being treated unfairly. It is a good idea to have a “checklist” where a cashier can see it easily. It should include at least the following:

1. Is it dated today?

Checks must be dated the same day they’re given. Post-dated checks are not prosecutable.

2. Is the signature legible?

Do NOT accept checks previously signed. Have them signed in your presence and compare with driver’s license or other I.D.

3. Is the address complete?

Require a permanent street address, not a P.O. Box number unless you know the writer.

4. Can you confirm identity?

Every kind of I.D. can be forged. The most reliable are the ones with physical descriptions, photos, etc. If you are suspicious, ask the writer to hand you the license and while it’s in your hand, ask his address and/or birth date. If it is not his license, he may be caught off guard and give the wrong information.

5. Do written amounts and numbers correspond?

Banks will not honor checks with discrepancies.

6. Is the I.D. used recorded?

Record **on the check** the type of I.D. and I. D. numbers as well as the clerk’s initials who takes the check.

CHECKS TO AVOID

The following checks usually cannot be prosecuted. As “hot” checks:

A. Check marked “refer to maker”, “drawn against uncollected funds” or unable to locate account”;

A post-dated check;

A stop-payment check;

A check on an out-of-state bank;

A two-party check;

A check more than 90 days old;

A check for less than \$20.00

A check for which partial payment has been received;

A check given in exchange for a returned check;

A check which does not identify who accepted it;

A check received in the mail;

A check not passed within this county;

A check for which no 10-day notice was given;

As you can see, it is very important to get the information set out in the procedures above.

CLUES FOR DETECTING BAD CHECKS

Be careful of low series numbers of personal checks. About 85% of all uncollected “hot checks” are new account numbers between

101 and 150.

Check the finish on the black magnetic computer numbers on the bottom. Magnetic ink is very dull—never shiny.

Check the first four magnetic numbers to the left of the account number. Each area of the state has its own bank routing number—learn yours.

Look for at least one perforated edge. All checks except government or computer-produced will be perforated.

Look for multi-colored checks from large corporations but be ware of Xerox “color.” Watch for shiny, tacky, raised letters. This should never be and is the best sign of a Xeroxed check.

B. PROCEDURE WHEN A CHECK IS RETURNED

There are certain procedures you must follow before this office will accept a returned check for prosecution:

1. The check must be presented to the bank for payment. Even if you know the check will not be honored.
2. The check must be stamped by the bank as to the reason for not honoring the check.
3. You must send written notification to the check writer informing him or her of the reason the check was not honored.
4. The written notice must be sent certified, return receipt requested. A sample letter is on the next page.