

**There are two kinds of bad check writers:**

**One is the person who makes an honest mistake and writes a check for more than the account will cover.**

- It is embarrassing for the customer and bothersome for the merchant or individual who accepts the check. But it is nothing more than that when taken care of immediately by the check writer.

**The second is the criminal who intends to get something for nothing!**

- Bad check writing is on the rise across the United States, as criminals find it faster and easier than other crimes. A major problem for those who are stuck with the loss and a big legal problem for those who write the checks.

### **Verify, Look, React!**

**V**erify the information on the check is correct, record the driver license number.

**L**ook at the check. Check Fraud losses are a \$20+ billion a year problem.

**R**eact to the situation. Remember, you don't have to accept a check for payment.

## **CONTACT US**

For additional information on the Check Enforcement Program or to request a speaker for your organization, please contact:

### **MARICOPA COUNTY ATTORNEY'S OFFICE CHECK ENFORCEMENT PROGRAM**

301 West Jefferson Street, 2nd Floor  
Phoenix, Arizona 85003

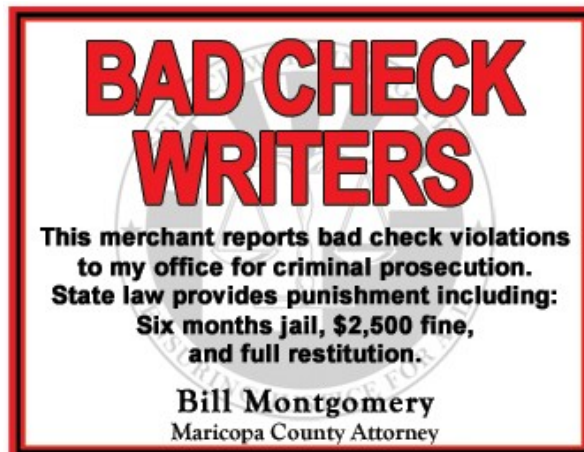
**Phone:** (602) 372-7300

**Fax:** (602) 372-0014

Please go to [www.maricopacountyattorney.org](http://www.maricopacountyattorney.org) to view information or to download submittal forms from the *Check Enforcement Guidebook* located under "Community Programs".

### **PRINT YOUR OWN WARNING POSTER!**

**Merchants and Business Owners**, you can print your own posters for display in your place of business by downloading them at [www.maricopacountyattorney.org](http://www.maricopacountyattorney.org) under "Community Programs". The display of this poster may deter bad check writers.



# **BAD CHECKS**



## **CHECK ENFORCEMENT PROGRAM**

- **What We Do**
- **What You Can Do To Protect Yourself**
- **What To Do If You Get a Bad Check**



**BILL MONTGOMERY**  
Maricopa County Attorney

## WHAT WE DO

The Maricopa County Attorney's Office Check Enforcement Program may help you receive full restitution on bad checks passed to you or your business. Fees are paid by the bad check writer — making this a **FREE** service to victims and merchants.

**Our Check Enforcement staff will process your submittal** as a request for prosecution and attempt to contact the check writer.

- The check writer would be required to make payment in full to us, including a merchant fee and a stiff statutory fee, to avoid further prosecution.
- A possible misdemeanor or felony complaint could be filed against the check writer for issuing bad checks, or committing theft or fraud, all of which include a criminal court summons or arrest warrant being issued.
- If convicted, the check writer may face fines, jail and/or probation — the penalties could be as much as 6 months in jail and a \$2,500 fine for each check, plus full restitution.

### THIS IS A FREE PUBLIC SERVICE!

- The Check Enforcement Program has been in existence since the late 1980's.
- To date, the Program has recovered over \$40 million in restitution.
- The Program files on average 1,800 criminal cases per year.
- The Program repays to victims, on average, \$1.2 million in total restitution per year.
- The Program has roughly 140,000 bad check writer names in its database.
- The Program receives, on average, 6,000 new bad checks to process each year.

## WHAT YOU CAN DO TO PROTECT YOURSELF

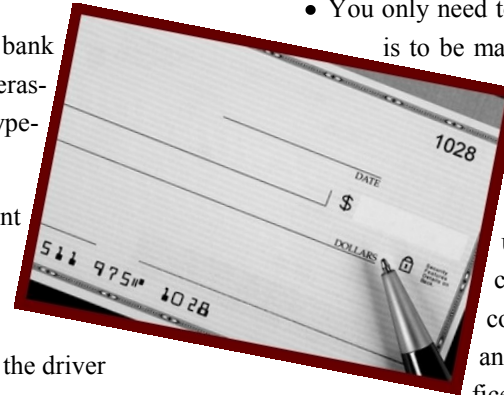
### CHECK OUT THE CHECK!

Most check fraud attempts can be stopped by being careful when accepting checks. Here's what you can do:

- Establish and enforce check acceptance procedures.
- Ask for a current driver license or state ID.
- Write down the ID or driver license number on the face of the check!

### Here is what to look for on ANY check you accept:

- Is the check in good condition with bank information, check numbers, no erasures, no white out, no tape, or no type-written information?
- Is the name of the signer and current address pre-printed on the check?
- Is it dated correctly?
- Is the signature similar to the one on the driver license?
- Does the writer LOOK like the picture on the ID?
- Is the amount in numbers the same as what is written on the check?
- Does the writing appear to be consistent — no crowding, change in ink color, strike outs or erasures?
- If in Doubt — Don't Accept!



## WHAT TO DO IF YOU GET A BAD CHECK

Arizona State Law is clear about what a merchant or individual may do if passed a bad check. Here is the process:

- 1) Send a letter to the check writer informing them the bank has returned the check unpaid (legal wording can be found in our Guidebook). If you hand deliver the letter, the check writer has 12 days to submit full payment to you. If you mail it, the check writer has 17 days from date of mailing to submit full restitution.
  - You only need to send one notice. Specify payment is to be made in cashier's check or money order. You may add a reasonable fee (up to \$25 per check) for returned check costs.
  - Do not accept partial payments unless you are ready to extend the check writer a loan. Partial payments constitute a civil loan arrangement and cannot be prosecuted by our office!
- 2) If you do not receive **FULL** payment, and the check meets our submittal parameters, you may submit the check to us **AT NO COST TO YOU OR YOUR BUSINESS**.
  - Familiarize yourself with our procedures; you are required to follow them in order for us to help you!
  - Submittal forms can be downloaded from our Guidebook. (The Guidebook is available at [www.maricopacountyattorney.org](http://www.maricopacountyattorney.org) under "Community Programs").