



Maricopa County
Attorney's Office
Keeping Families Safe

MCAO

CHECK ENFORCEMENT GUIDEBOOK

**Learn How the Check
Enforcement Program Can Help
You Recover Funds if You Receive
a Bad Check**



A MESSAGE FROM

ALLISTER ADEL

MARICOPA COUNTY ATTORNEY



Knowingly paying for a good or service with a check that cannot be honored when presented at the bank is check fraud. Each day, hundreds of these bad checks are written to hardworking businesses and individuals who end up losing more than just profit when they go unpaid. Issuing a bad check continues to be a prevalent crime, one that my office takes seriously, and that can be solved with your help.

The Maricopa County Attorney's Office's Check Enforcement Program recovers restitution from bad check writers and prosecutes those who repeatedly write bad checks. The program has successfully recovered over \$40 million dollars in restitution for individuals and businesses who were given unserviceable checks.

To better serve our communities, the Check Enforcement Program is offered entirely free of charge. The following guidebook will explain in detail our enforcement program and take you through the steps to begin the process of recovering funds if you or your business receive a bad check. We also encourage you to read through the preventative tips to avoid a bad check and that you share these with your employees to better protect your business.

A bad check affects more than just the bottom line and, in addition to stress, can put those expecting payment in a problematic situation. By participating in the Check Enforcement Program, we can hold those who look to take advantage of accountable and ensure that you receive the funds owed to you.

Sincerely,

Allister Adel

Maricopa County Attorney

CHECK ENFORCEMENT GUIDEBOOK

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PREVENTIVE STEPS TO REDUCE THE POSSIBILITY OF ACCEPTING A BAD CHECK

Preventive measures can eliminate many hardships that result from accepting a bad check. These steps should be utilized by any individual or business accepting checks for payment on goods and services. Following these steps will decrease losses and increase the chances of receiving funds due to you.

STEP 1: DEMAND IDENTIFICATION AND WRITE IT ON THE CHECK

Verify the identity of the check writer by requesting a driver's license or other government-issued identification card. Look at the person giving you the check to ensure it is the same person pictured on the license or identification card. Write the information on the face of the check at the time you receive the check. Never let the check writer write his or her own identification information on the check. This protects against the check writer from providing false information. Identification of the check writer is critical for successful prosecution.

STEP 2: LOOK AT THE CHECK NUMBER

Be cautious of checks that have low check numbers or no printed check numbers. Bad checks are frequently drawn on accounts less than one year old.

STEP 3: CHECK THE DATE FOR ACCURACY AND FOR A SIGNATURE

Do not accept a post-dated check or an unsigned check. A post-dated check or unsigned check may be a defense to prosecution.

STEP 4: COMPARE THE AMOUNTS WRITTEN ON THE CHECK

Make sure the numeric dollar amount matches the written dollar amount. A valid check for \$35.50 should be written: Thirty-five and fifty/100 dollars or Thirty-five and 50/100 dollars.

***STEP 5: EXAMINE PRINTING ON THE CHECK**

A check that appears to be altered or uses two or more type sets may indicate forgery. Check the numbers and words for consistency. Review for crowded letters. Check for contrasts in ink color or density. Inconsistencies are keys to catching forgeries.

***STEP 6: LOOK AT THE NAME OF THE PAYEE**

Changes or additions to the payee name may indicate a possible forgery. If the color, density or the writing of the name appears different or if the check appears payable to two or more payees, there may have been an alteration.

Arizona DRIVER LICENSE USA

NOT FOR FEDERAL IDENTIFICATION

9 CLASS D **1** DLN D08954142
 10 END NONE
 12 REST NONE DOB 01/01/1974

1 SAMPLE
 2 JELANI
 3 123 MAIN ST
 PHOENIX, AZ 85007

15 EXP 01/01/2039 4a ISS 03/01/2016
 16 SEX M 18 EYES BRO 19 HAIR BRO
 17 WGT 185 lb
VETERAN
 01/01/74

DONOR

5 DD 9001A9691S1427J4

1 DL: D08954142 **2** 5719

3 DATE: 3/6/17

PAY TO THE ORDER OF **6** Jim Wellington Roofing \$ 563.29
 Five hundred Sixty Three and 29/100 **4** DOLLARS Security Features Detailed on Back

MEMO: **3**

⑆000045678000 0000⑆ ⑆⑆0000

"If you suspect a forged check please contact your local police department. Police agencies take reports for crimes alleging forgery. The Check Enforcement Program described in this Guidebook is applicable to checks not honored by banks due to insufficient funds and for checks written on closed accounts.

WHAT TO DO IF YOU RECEIVE A BAD CHECK

Despite following sound preventive measures, you may still receive a bad check. If you do, the following procedures will aid you in recovering your loss. (Please review all information in this Section of the Guidebook before submitting your bad check to the Check Enforcement Program.)

Follow these procedures prior to completing Check Enforcement Program forms:

- If possible, contact the check writer at the telephone number written on the check. Many bad checks are accidental and can be resolved through a courteous call.
- If the matter is unresolved, prepare a Demand for Payment Notice Letter and send it to the check writer at the last known address.
- A Demand for Payment Notice Letter must be sent by certified mail to the check writer's last known address
- The Demand for Payment Notice Letter Guidelines, along with Demand for Payment Forms A & B (two letter templates; Form A for a check \$4,999.00 or less; Form B for a check \$5,000.00 or more) can be found near the bottom of the page: MaricopaCountyAttorney.org/CEP
- Do not change the content of these letters, as both contain language established by Arizona law.
- Do not return the original bad check to the check writer with the Demand for Payment Notice Letter.
- If the check writer contacts you, only accept full payment, not partial payment. And only accept money orders or cashier's checks.
- Return the bad check to the check writer only after full payment has been paid to you.

If you are unsuccessful in recovering your money and the returned check was stamped by the bank indicating insufficient funds, account closed or the account could not be located, you may submit forms to the Check Enforcement Program. However, the Check Enforcement Program may decline your submission, if the check is:

- **A post-dated check** – these types of checks are considered an extension of credit and may not be prosecuted under Arizona law;
- **A stale check** – checks older than 180 days past the date of issue are considered stale and may be declined for prosecution;
- **A check for which partial payment was accepted** – acceptance of a

partial payment constitutes extension of credit or a loan, and may not be prosecuted;

- **A check passed outside of Maricopa County** – the Maricopa County Attorney’s Office lacks jurisdiction to prosecute checks issued, passed or accepted outside of Maricopa County by the issuer or the passer; or
- **A check without proper check writer identification** – without the check writer’s driver’s license or other government-issued identification number written on the check at the time the check was passed or without a positive identification by the witness, prosecution may be declined; or
- If there is pending civil litigation concerning the bad check or if a civil judgment has been obtained against the check writer.



SUBMITTING A CHECK TO THE CHECK ENFORCEMENT PROGRAM

The Maricopa County Attorney's Office Check Enforcement Program will help you receive full restitution on bad checks passed to you or your business. To get the process started, two forms must be submitted to the Check Enforcement Program:

A Submittal/Witness Form and a Victim Information Form, each of which can be found near the bottom of the page:

MaricopaCountyAttorney.org/CEP

Please answer all applicable questions on the Forms and submit both Forms by mail along with the Demand for Payment Notice Letter and any other correspondence you may have had with the check writer to:

Maricopa County Attorney's Office
Check Enforcement Program
225 West Madison Street
Phoenix, AZ 85003

If you have any questions, please contact the Check Enforcement staff at: 602-372-7300.

Downloads for Merchants, Business C

Forms

- [Victim Information Form \(VIC\) \(PDF\)](#)
- [Submittal / Witness Form \(PDF\)](#)
- [Demand for Payment Notice Letter Guidelines \(PDF\)](#)
- [Check Enforcement Demand for Payment Form A](#)
- [Check Enforcement Demand for Payment Form B](#)

Informat

- [Check E](#)
- [Check E](#)
- [Check E](#)
- [Bad Ch](#)



Maricopa County
Attorney's Office

- Brochures, Forms & Information
- Criminal Justice Links
- Maricopa County Website - Maricopa.gov

WHAT HAPPENS NOW?

THE ENFORCEMENT PROCESS

The enforcement process begins as soon as the Submittal/Witness Form and the Victim Information Form are received by the Check Enforcement Program. Each Form is initially reviewed by Check Enforcement staff. In some instances, a decision will be made to return the paperwork to you because the check cannot be successfully prosecuted.

If the paperwork is not returned to you, Check Enforcement Program staff will attempt to contact the check writer and require him or her to pay the full face value of the check plus applicable fees to the Check Enforcement Program. Upon receipt of monies, the Check Enforcement Program staff will process a restitution check to you. If the check writer pays off the bad check in full along with any required fees, a criminal charge will not be filed.

When the check writer does not comply with the above, criminal charges may be filed against the check writer for issuing a bad check. In most cases, issuing a bad check is a class one misdemeanor. These cases are prosecuted in Maricopa County Justice Courts. The Check Enforcement Program staff refers the case to an attorney for prosecution review. At that time, you will be notified that the case has been transferred and you may contact the charging attorney for follow up. If a formal complaint is filed, the check writer is notified of the criminal charge(s) by a summons. The summons directs the check writer to appear in court on a specified date to respond to the criminal charge(s) against him or her. The check writer must respond to the criminal court summons or an arrest warrant may be issued by the court.

After the initial appearance in court, the check writer is required to attend all subsequent court proceedings. In some cases, the prosecutor will enter into a plea agreement with the check writer. If a plea is negotiated, the check writer will be required to pay full restitution for all prosecutable offenses to the Maricopa County Justice Courts. The Justice Court will also be responsible for receiving and disbursing funds to the victim(s). If a plea is not negotiated the matter may proceed to trial. At the trial, the prosecutor is required to present evidence through witnesses to prove the case beyond a reasonable doubt.

If the check writer is convicted, the sentence could include fines and surcharges of \$2500.00. In severe cases, a judge can order a check writer to complete a jail term of up to six months for each bad check and pay full restitution of the check(s).

IMPORTANT INFORMATION

VICTIM AND CHECK WRITER CONTACT

Once you have submitted Forms to the Check Enforcement Program the Maricopa County Attorney's Office requests that you have no further contact with the check writer. If the check writer contacts you in an attempt to pay you, inform the check writer that he or she should contact the Maricopa County Check Enforcement Program for further information. Do not accept payment for a bad check once you have submitted the bad check to the Check Enforcement Program.

RESTITUTION

The check writer submits restitution payments to the Check Enforcement Program if a formal complaint has not been filed. If a formal complaint has been filed, the check writer submits restitution payments to the Justice Court.

The recovery of restitution and the distribution of these funds to a victim may take weeks or longer. Additionally, if there are multiple bad checks in a matter, payment to the victim is based upon the oldest check first. You may contact Check Enforcement Program staff to receive a status update on your case.

ORIGINAL CHECKS WILL NOT BE RETURNED

When a bad check has been submitted to the Check Enforcement Program, the Maricopa County Attorney's Office retains the right to proceed with criminal prosecution against the check writer. If the Maricopa County Attorney's Office proceeds with prosecution, the check is retained as evidence in the criminal proceeding. Even if a check is paid in full prior to a trial, the County Attorney will retain the original check for fiscal accounting and audit purposes. No checks will be returned once a criminal complaint has been filed in court.

CHANGE IN CONTACT INFORMATION

If you have a new address, phone number or e-mail address, please contact the Check Enforcement Program at, 602-372-7300. Without current victim contact information, restitution payments may be delayed or returned and rendered null and void.

CHECKING ON CASE STATUS

Please wait at least 45 days from the time you submitted the Submittal/Witness Form and the Victim Information Form before making an inquiry to the Check Enforcement Program regarding the status of your case. Be prepared to provide your issued victim identification number, along with the name of the check writer. Inquiries can be made to the Check Enforcement Program at 602-372-7300.

HOW TO CONTACT THE CHECK ENFORCEMENT PROGRAM

Address: Maricopa County Attorney's Office
Check Enforcement Program
225 West Madison Street
Phoenix, AZ 85003

The Check Enforcement Program is located in the Maricopa County Attorney's Office Building on the southeast corner of 3rd Avenue and Madison Street.

Phone: 602-372-7300
Fax: 602-506-4329
Email: mcaocheck@mcao.maricopa.gov

Office Hours: 8:00 a.m. to 4:30 p.m.
Monday through Friday, excluding legal holidays
Contact is only available through email or phone.

Website: MaricopaCountyAttorney.org/CEP



Maricopa County Attorney's Office
225 West Madison Street
Phoenix, Arizona 85003