



BAD CHECK COMPLAINT FORM

4/26/05

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MONTEREY COUNTY DISTRICT ATTORNEY

FILE REPORTS BY MAIL TO: P.O. BOX 4486, SALINAS, CA 93912-4486
(postal address only)

VICTIM HOTLINE: (800) 926-2227 ■ REFER CHECK WRITERS TO: (800) 931-9927

DATE RECEIVED :

REPORT #:

PLEASE ANSWER THE FOLLOWING QUESTIONS, PRINT ALL INFORMATION IN INK AND SIGN BELOW.

1. Was check post-dated at time of acceptance? Yes No 4. Were you asked to hold or delay depositing the check(s)? Yes No
 2. Does this matter involve a two-party check? Yes No 5. Does the check involve an extension of credit? Yes No
 3. Was check received as payment on an account? Yes No

A "YES" answer to any of the above questions indicates this is a CIVIL matter and is therefore ineligible for the Bad Check Restitution Program. It should be dealt with through small claims court, or turned over for private collection, do not proceed with filing a complaint. If all questions were answered "NO," you may file a bad check complaint by completing the front and back side of this form.

Forged checks and checks over \$2,500.00 are not eligible for this program and should be reported directly to local law enforcement agencies.

PRIOR TO SUBMISSION, A "COURTESY NOTICE" SHOULD BE SENT TO THE CHECK WRITER (see sample notice on reverse side).

On what date did you send notice? _____ Please attach documentation. Certified mail fee: _____ Returned item fee: _____

1 SUSPECT	Check writer's full name as written on check				
	Address(es)				
	City	State	Zip	Home Phone #	Other Phone #

Staple Documents Here	Driver's License #	State	Expiration date	Other ID
	How did you obtain the check writer's identification? <input type="checkbox"/> Driver's License <input type="checkbox"/> Police Report (# _____) <input type="checkbox"/> Check Cashing Card <input type="checkbox"/> Other _____		Do you need notification that this crime report has been accepted into the program? <input type="checkbox"/> Yes <input type="checkbox"/> No If so, please indicate how you would prefer to be notified. <input type="checkbox"/> Mail <input type="checkbox"/> Fax # _____ <input type="checkbox"/> Email _____	

2 CHECKS	Check #	Date Received	Amount	What was check for?	Person Accepting Check	Can person ID check writer?
						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No
List Additional Checks On Another Form And Attach						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No

3 VICTIM (person filing)	Victim / Firm Name		Phone	Fax
	Victim Address		City	State Zip
	Name of person filing			Email
	Address where check was accepted if different from the above address			

I understand that I must **NOT** accept restitution from the check writer after filing this report with the Bad Check Program. Initial here _____

I HAVE READ ALL FILING INSTRUCTIONS, AND HEREBY CERTIFY THAT ALL INFORMATION IN THIS REPORT IS TRUE TO THE BEST OF MY KNOWLEDGE.

Signature of Person Filing

Print Name

Date Filed

FILING THE BAD CHECK COMPLAINT FORM:

Victims of bad checks may file a report with the Monterey County District Attorney, provided there is sufficient information, and that the case meets all eligibility guidelines. The District Attorney's Office will seek full restitution for victims whenever possible; however, please keep in mind that this office is a prosecuting agency and therefore can make no recovery guarantees. "Restitution" refers to the face value of all checks listed in the report, along with all reasonable "returned item" charges assessed by the bank (a copy of the bank NSF charge must be included).

- A. **FILL OUT REPORT COMPLETELY.** Attach checks and all supporting documents such as **CERTIFIED MAIL RETURN RECEIPT OR UNDELIVERED LETTER, COPY OF "COURTESY NOTICE," "RETURNED ITEM" NOTICES FROM THE BANK (WITH FEES). COPY ALL INFORMATION FOR YOUR RECORDS.**
- B. Mail this report directly to the Monterey County District Attorney Bad Check Restitution Program. (address listed below).
- C. Once a report has been filed: **ALL restitution payments must be coordinated by the District Attorney's Office.** Should the check writer contact you to make payment, direct them to the Bad Check Restitution Program at (800) 931-9927.

AFTER FILING:

- A. If you do not receive restitution within 60 days, contact the District Attorney Bad Check Restitution Program.
- B. If restitution is not received from the check writer, your report will be evaluated for criminal prosecution.
- C. **IF PROSECUTABLE, YOU WILL NOT RECEIVE FURTHER NOTICE UNTIL THE SUSPECT HAS BEEN ARRAIGNED IN COURT.** This office will retain all checks as a matter of official record. If for some reason the report is not prosecutable, the check(s) will be returned at your request.

SAMPLE "COURTESY NOTICE"

Dear Check Writer:

You are hereby notified that a check numbered _____ in the face amount of \$_____, issued by you on _____ drawn upon _____ bank, and payable to _____, has been dishonored. You have 10 days from receipt of this notice to tender payment of the full amount of such check plus a service charge of \$25, the total amount due being \$_____.

Unless this amount is paid in full within the time specified above, the holder of such check may turn over the dishonored check and all other available information relating to this incident to the District Attorney for criminal prosecution.

Closing,

Your name/address

**MAIL BAD CHECK COMPLAINT FORM AND ALL OTHER CORRESPONDENCE TO:
MONTEREY COUNTY DISTRICT ATTORNEY BAD CHECK RESTITUTION PROGRAM
P.O. BOX 4486, SALINAS, CA 93912-4486**