



G RICHARD WHITE,  
DISTRICT ATTORNEY

OFFICE OF DISTRICT ATTORNEY  
EAU CLAIRE COUNTY  
COUNTY COURTHOUSE  
721 Oxford Avenue  
Eau Claire, WI 54703-5493

(715) 839-4828



ASSISTANT DISTRICT ATTORNEYS  
Michael J. Steuer Jennifer R. Heinz  
Meri C. Larson Gary J. Schuster  
Emily M. Long Erin R. Hanson  
Chad Verbeten

## POLICY ON WORTHLESS CHECKS

- 1) The District Attorney's Office will only accept checks which were returned for: "NON-SUFFICIENT FUNDS", "NO ACCOUNT" or "ACCOUNT CLOSED."
- 2) If you answer yes to one or more of the questions below, the District Attorney's Office cannot handle the check. You will have to proceed civilly.
  - Check presented at different time than services or goods received?
  - Is this a three-party check or was stop payment put on this check?
  - Was there an agreement to hold the check or was check postdated?
  - Was the check payable for an account or for a loan payment?
  - Check for partial payment & person did not receive services/goods?
  - Was check a payment for a previously issued bad check?
  - Check issued to a motel given after the stay at the motel?
  - Check issued for rent given after the first day the rental period began?
- 3) The District Attorney's Office will not handle checks that DO NOT have proper ID taken. Proper ID is considered to be a Driver's License or State Issued Identification card. You must identify the state of issuance and the expiration date of the ID.
- 4) The District Attorney's Office will not accept checks unless identification of the specific clerk who accepted the check is provided. Without this identification, criminal charges cannot be issued. Clerk identification is considered to be:
  - Full name of the clerk who actually accepted the check from the check passer and substantiating information about the clerk, such as a clock or register number, clerk's initials or name on the check or sales invoice.
- 5) If you receive payment in the form of a check, return it to the sender and advise them the bad check has been turned over to the District Attorney and they should forward a money order there. If you receive payment in the form of a money order or cash, contact the District Attorney's office.
- 6) Out-of-state checks are accepted at your own risk. Extradition is not authorized by statute in misdemeanor bad check cases.
- 7) If the bank indicates possible forgery as the reason returned, immediately contact the local police department or sheriff's office for investigation.
- 8) If you use the services of the District Attorney's Office for the handling of worthless checks, you are required to comply with the above listed policies. If you do not wish to comply with these policies, the District Attorney's Office will not be able to handle your worthless checks.

## STEPS IN HANDLING WORTHLESS CHECK(S)

### STEP 1:

A letter must be mailed to the person who wrote and passed the check. The letter should be similar in content to the "Demand For Payment" letter the District Attorney's Office supplies. Retain a copy of the letter for your records.

The letter can be sent by regular mail unless the check is over six months old.

All checks that are six months old and older must have the letter sent by certified mail and sent to the current correct address. You must turn in the certified green card or the returned envelope with the letter inside.

### STEP 2:

If restitution is not made to you within 5 days, you should bring the following information to the District Attorney's office:

- Original check, not a photocopy
- Copy of the letter you sent to the check passer
- A completed worthless check fact sheet

The fact sheet should be filled out accurately and completely. The information on the fact sheet is needed for the handling of worthless checks, the drafting of the criminal complaint and the prosecution of the case.

Once the check is turned in to the District Attorney's office, a receipt of property will be mailed to the merchant showing the information regarding the check. This office will mail a letter to the passer of the check informing them that the check is in this office and payment must be made immediately. If restitution is made on the check(s), we will send the payment to the merchant. If the restitution is not made, we may proceed with criminal charges.

You should never advise the passer of the check that criminal charges will be dropped. This decision can only be made by the District Attorney's office.

You may obtain the forms used for handling worthless checks at the District Attorney's office. You may copy our forms for future use. **Please keep the worthless check fact sheet of legal size; do not reduce it.**