



PORTAGE COUNTY SHERIFF'S OFFICE

Sheriff Bruce D. Zuchowski

BAD CHECK PROCEDURES

This procedure is intended to assist persons who are victimized by bad checks. Prosecution for "Passing Bad Checks" is subject to specific procedures established by the Ohio Revised Code, and the Courts of Portage County. We have initiated this procedure to provide victims with the least amount of inconvenience and still provide the quickest remedy to a successful prosecution and restitution.

Prior to any police action the victim (you), must meet certain requirements in order that a successful prosecution can be attained. All persons desiring police action for bad checks must have the check passer's social security number or drivers license number and comply with the following instructions:

1. You must first attempt to make contact with the passer and document your efforts (*i.e. phone call to inform and demand money back*).
2. A ten-day statutory demand notice (*an example has been attached*) must be sent to the passer in each check case by registered mail with return receipt requested. *Do not submit a check and this form for possible prosecution unless you are satisfied that the passer intended to defraud you. You must be willing to participate with the prosecution and testify in court even if the passer attempted to pay off the check at some future date. Use one report form for each check submitted.*

When filing your police report, you will need to submit an official bank copy of the check, a copy of the bad check notice you sent and the post office receipt return showing its delivery or non-delivery. *Please Note: If you come into agreement with the passer before filing a Police Report (by making arrangements for payment) and the passer does not honor the agreement you have arranged, it has now become a civil matter and not a criminal matter. You will then need to contact an attorney to file civil charges.*

ONCE CRIMINAL CHARGES ARE FILED (NOT JUST YOUR POLICE REPORT), YOU CANNOT ACCEPT PAYMENT ON THE BAD CHECK UNTIL THE CRIMINAL CASE IS DESPOSED OF BY THE COURT. ONLY THE PROSECUTOR MAY DISPOSE OF THE CASE BY PLEA, TRIAL OR OTHER DISPOSITION.



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The following need to be reviewed by a prosecutor before charges are filed:

1. **"Post-dated"** check(s) or check(s) which you agreed to hold before depositing **cannot** be prosecuted under Ohio law. You may file a civil action in Small Claims Court.
2. Check(s) **"older than 60 days"** will not be accepted for prosecution. The 60 day limitation will begin at the time the victim (you) became aware of the check bouncing. You may file a civil action in Small Claims Court.
3. Check(s) issued for **"Rent" will not be accepted for prosecution**. You may file a civil action in Small Claims Court.
4. Check(s) stamped **"Stop-payment" will not be accepted** for prosecution. You may file a civil action in Small Claims Court.

Bad Check Notice

To: _____

Date: _____

This is to notify you that the check(s) alleged to have been written by you has been returned to us by your bank for the reason shown below.

In accordance with state law, you are hereby given ten (10) days notice that said check has not been paid, and if you shall not have paid the amount due thereon within ten (10) days of receipt of this notice, this shall serve as evidence of intent to defraud, and a request to the office of the prosecuting attorney to take criminal action will be taken by me, under section 2913.11 of the Ohio Revised Code – Passing Bad Checks.

Check Information

DATED:	
MADE PAYABLE TO:	
NAME OF BANK DRAWN ON:	
REASON:	
AMOUNT:	

Signature: _____

Address: _____
