

BAD CHECK PROSECUTION GUIDELINES

Only checks stamped “ACCOUNT CLOSED” or “INSUFFICIENT FUNDS” by the bank can be prosecuted. Any person filing criminal charges for passing bad checks through the City Prosecutor’s Office, 109 N. Union St., Lima, Ohio, must complete the following steps:

1. Notify the check writer, by certified mail, return receipt requested, restricted delivery, addressee only. Such notice will contain the language and be in the form of the sample letter attached hereto as Exhibit A.
2. If the certified mail letter is returned “unclaimed” or “refused”, the same notice will need to be mailed by regular mail. If that letter is returned, the complainant (victim) shall use reasonable effort to locate the addressee and shall repeat the same procedure, if unable to locate, prosecution may not be possible.
3. The complainant (victim) must be able to provide positive identification of the defendant by one of the following methods, and shall complete a document containing the language and in the form of Exhibit B attached
 - a. Eyewitness identification
 - b. A combination photo and bad check
 - c. A signed written admission from defendant that he issued the check
 - d. Legible fingerprint of defendant on the bad check
 - e. Social Security Number, Date of Birth, or Driver’s License Number of Defendant contained at the time of the check was presented, and written on check.
4. After completing the above items, and after ten days, the complainant (victim) needs to bring in the following items:
 - a. One legible photo copy of check (front and back) on a full sheet of paper
 - b. Current residential address of defendant
 - c. Completed document in the form of Exhibit B
 - d. One copy of the certified return
 - e. One copy of letter (Exhibit A) which was mailed to defendant
5. The City Prosecutor will investigate all complaints, and recommend prosecution in those cases which merit prosecution in the opinion of that prosecutor.

6. A letter will be sent to defendant, giving them a certain date to pay. If your person contacts you after receipt of that notice, you may accept payment, or an agreed date for payment, then notify the prosecutor's office. It is your responsibility to contact the City Prosecutor if you do not receive payment on your check and would like to pursue criminal charges. Please contact our office approximately 1 month after you initially dropped the paperwork off to our office, if you want to file the criminal charge.
7. If a complaint is authorized by the City Prosecutor, the complainant (victim) will be required to sign the complaint under oath. Once filed, no cases will be dismissed or withdrawn except upon recommendation of the prosecutor. After the complaint is sworn to and signed, you cannot return the check to the defendant. If the defendant pays, you may accept payment, and give them a written cash receipt, telling them the check will be returned when the court case is disposed of.
8. Passing a bad check in a face amount of \$1,000.00 or more or a combined amount of \$1,000.00 from the same person within a 30 day period of time, is a felony, follow rules 1-4 *only*. You will need to complete those steps and provide the documentation to the appropriate law enforcement authority when making your police report.

EXHIBIT A

DATE:

Dear _____:

You are hereby notified that your check # _____ Account No.

_____, drawn on the (name of bank)

_____ and issued to (name on

payable to) _____ in the amount of

\$ _____ has been returned to the undersigned after being dishonored by said bank.

Your check was dishonored for the reason that you had no account with said bank, or for insufficient funds upon presentment.

This letter shall serve as notice to you that you have 10 days after receipt of this notice of dishonor to make payment in full to the undersigned in the amount of the above referenced check. If said payment is not received within 10 days from the date of receipt, criminal charges may be filed against you in the Lima Municipal Court. Passing a bad check is in violation of Section 2913.11 of the Ohio Revised Code.

Sincerely,

INFORMATION FOR PROSECUTOR ON CHECK CHARGES

Business or Individual receiving check: Name: _____
Address: _____
Phone: _____

Individual accepting check: Name: _____
Address: _____
Phone: _____

Person identifying check writer: Name: _____
Address: _____
Phone: _____

Type of ID obtained: a. eyewitness identification
b. photo
c. written admission (attached statement)
d. legible fingerprint
e. social security number, date of birth, drivers license number

Defendant: Name: _____
Address: _____
Phone: _____

Person signing complaint: Name: _____
Address: _____
Phone: _____

Other witnesses:

EXHIBIT A

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