



OFFICE OF THE DISTRICT ATTORNEY

CALAVERAS COUNTY

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BAD CHECK RESTITUTION PROGRAM Frequently Asked Questions

What is the Bad Check Restitution Program?

The Bad Check Restitution Program is a program run by the Office of the District Attorney to assist Calaveras County merchants in the recovery of restitution from bad checks and deter check writers from violating Penal Code §476a in the future.

Do I have to do anything before submitting a bad check to the Bad Check Restitution Program?

You should first attempt to contact the check writer by the telephone number taken or verified on the check at point-of-sale. If you are unable to contact the check writer via telephone to make arrangements for payment or if the check writer does not pay at the agreed upon date, you must then send the check writer a courtesy notice demanding payment by certified mail. The District Attorney has prepared a sample **Notice of Dishonored Check** (see attached), although you may choose to use your own notices.

How do I submit a bad check to the Bad Check Restitution Program?

If the check writer does not arrange payment within ten (10) days of the certified mailing of the courtesy notice, then you must complete the **Bad Check Referral Form** (see attached). Copies of the certified mailing receipt and bad check(s) must also be made; the form and these copies must then be delivered to the District Attorney's Office. A decision will be made whether or not the check(s) qualify for Bad Check Restitution Program. If the bad check writer does not qualify for the program, you will be notified by mail.

What can I do about a bad check that is returned to me because it does not qualify for the Bad Check Restitution Program?

You may choose to pursue recovery as a civil action through small claims court, a collection agency, or with the help of a private attorney.

What can I do to make sure a check qualifies for the Bad Check Restitution Program?

Please see **Guidelines for Accepting Checks**. These are the steps that you and your employees should take to insure that all checks are handled properly at the time of the transaction. If one or another of these steps is overlooked, the check may not qualify for the Bad Check Restitution Program.

Can I put more than one check on a Check Complaint Form?

Yes. You can put multiple checks on a single complaint form if they were all received from the same check writer. If listing more than three bad checks from the same check writer, then attach a separate sheet listing additional checks along with the required information from each check. Separate complaint forms must be used for different check writers.

Can I get reimbursement for a bank service fee from the Bad Check Restitution Program?

Yes. The Bad Check Restitution Program can require the check writer to a pay service fee (up to \$25 per check) to cover bank charges you incur in handling the worthless check.

Why don't all bad checks qualify for the Bad Check Restitution Program?

A check is a legal document. As such, it must be complete and the various elements such as signature, address, and other identification must be verifiable. If one or another part of a check is missing or cannot be verified, it becomes difficult or impossible to successfully pursue the case. Other worthless checks will not qualify because proper identification was not recorded at the time of the transaction, there is no signature or amount written on the check, or for other similar reasons. That is why it is so important for you to follow the **Guidelines for Accepting Checks** when you accept any check.

Note: If you are unsure whether a check qualifies for the Bad Check Restitution Program, submit it anyway. If the check does not qualify, it will be returned to you with an explanation of why it did not qualify.

When will I receive the money the Bad Check Restitution Program recovers?

Restitution for bad checks collected by the Bad Check Restitution Program will be mailed to you within ten (10) days of the date it was received.

If I have stores in another county, can I also submit the worthless checks passed at those stores?

No. For a check to qualify it must have been passed within Calaveras County. Contact the local law enforcement agency for instructions on what to do with bad checks passed in other counties or states. Please be aware that not all jurisdictions have a similar Bad Check Restitution Program.

How much do I pay for using the Bad Check Restitution Program?

There is no cost to submit bad checks to the Bad Check Restitution Program. Costs of recovery are paid by the writer of the bad check.