



OFFICE OF THE DISTRICT ATTORNEY

CALAVERAS COUNTY

BARBARA M. YOOK
DISTRICT ATTORNEY

BAD CHECK RESTITUTION PROGRAM

Submitting a Dishonored Check And What to Expect

SUBMITTING A DISHONORED CHECK

Step 1: Courtesy Notice. If a customer's check is returned from your bank, determine why the check was dishonored. Checks returned for the following reasons are eligible for submission to the Bad Check Restitution Program:

- Insufficient or Non-Sufficient Funds
- Closed or No Account
- Stop Payment Where there is No "Good Faith" Dispute
- Refer to Maker/Unable to Locate

For checks dishonored for the above reasons, you should first mail a demand for payment to the check writer. You may use the sample *Notice of Dishonored Check* from the District Attorney or you may use your own notice. Make two copies of the *Notice of Dishonored Check* and mailing receipts. Deliver the *Notice of Dishonored Check* to the check writer via Certified Mail.

...WAIT TEN (10) DAYS

Step 2: Bad Check Referral Form. If the check writer does not arrange for payment and fees to you within ten days, then complete the *Bad Check Referral Form*. You may include up to three dishonored checks from the same check writer on the form. If you are submitting more than three dishonored checks from the same check writer, then attach a list of all dishonored checks. Be sure to include for each check listed the information requested on the *Bad Check Referral Form*. Mail this form, certified mailing receipt for the courtesy notice, and the original check(s) or bank generated photocopies to the District Attorney at the following address:

**Office of the District Attorney
County of Calaveras
Attn: Bad Check Restitution Program
891 Mountain Ranch Road
San Andreas, CA 95249**

...YOUR PART IS DONE

(continued on the next page)

WHAT TO EXPECT?

Determination of Eligibility. Dishonored checks will be reviewed for eligibility prior to investigation. Checks that are ineligible for the *Bad Check Restitution Program* will be returned to you. You may wish to pursue recovery in a civil action through small claims court, a collection agency or with the help of a private attorney. Checks that are eligible will be investigated. You will be notified by mail whether or not the submitted check(s) are eligible for the *Bad Check Restitution Program*.

Investigation and Prosecution. Upon the completion of the investigation, the District Attorney will determine whether or not a criminal prosecution is appropriate. You will be notified of this decision by mail. If necessary, you or your employee may be called to testify in court.

Diversion and Restitution. In lieu of a criminal prosecution, the writer of a bad check may be offered diversion. Diversion requires a bad check writer to take a class and make full restitution, including the face value of each check plus up to \$25 per check for returned check fee. Any restitution recovered will be mailed to you within ten (10) days of receipt from the check writer.

If you have any questions, please do not hesitate to call the **Bad Check Restitution Program** at 209-754-2867.