



The following information should be read carefully and shared with *each* employee in your business. The information is provided as our effort to reduce the number of bad checks in Missoula County. Remember that prevention is your best protection.

Prevention/Protection

1. **Obtain Accurate Information:**

- a. Full name, street address, phone number
- b. Driver's License Number or Social Security Number and Date of Birth
- c. See a valid driver's license of picture ID
- d. Witness the signing of the check and write your initials on the check

NOTE: The County Attorney cannot obtain arrest warrants from the courts unless the writer's birth date and driver's license/social security number are on the check.

2. **Never Accept:**

- a. Post-Dated Checks
- b. Two-Party Checks
- c. Checks not signed in your presence
- d. Checks to be held until later
- e. Checks given as restitution for bad checks
- f. C.O.D.'s

3. **Use Caution When Accepting the Following:**

- a. Out of State Checks
- b. Checks having no or low digit check numbers
- c. Counter Checks
- d. Checks in excess of the amount of purchase

Prosecution and Steps to Follow

1. **The County Attorney's office cannot prosecute bad checks that have been or are construed as:**

- a. Post-Dated Checks
- b. Two-Party Checks
- c. Stop Payment Checks
- d. Checks with no identification
- e. Checks that were taken by people who cannot identify the person signing the check

- f. Checks that are over the statute of limitations date (more than one year old)
 - g. Checks where partial payment has been accepted
 - h. C.O.D.'s
2. When a check is returned marked "Forgery" or "Irregular Signature":
 - a. These checks should immediately be taken to either the Missoula Police Department if you received the check within the city limits of Missoula or the Missoula County Sheriff's Department if outside of city limits.
 3. When a check is returned for "NSF" or "Account Closed":
 - a. Send a written five (5) day notice by certified mail, restricted delivery, or return receipt to the check writer to establish evidence of the writer's intent to defraud you. **USE FORM "A" (FIVE DAY NOTICE) TO DO THIS STEP.**
 - b. If restitution is not received by you within the five (5) days, complete FORM B and send the completed FORM B with proof of certified mailing, bad check(s), pictures/surveillance videos of the incident (if applicable) and any other pertinent information to our office. Our office will attempt to collect restitution from the check writer by mailing him/her a 10 day demand letter. After 10 business days with no response, a summons or warrant is issued for the check-writers arrest based on your complaint (felony, misdemeanor or felony by common scheme).
 - c. The County Attorney's office will not pursue checks under \$50.00, however we encourage you to follow the above steps and still submit the bad check. If multiple people/businesses submit checks and they are over the \$50.00, our office will attempt to pursue charges.

Restitution

1. If a check writer desires to make restitution on a bad check after the check has been turned over to the County Attorney's office:
 - a. **RESTITUTION MUST BE PAID DIRECTLY TO THE COUNTY ATTORNEY'S OFFICE.**
Once checks have been turned over to this office for collection/prosecution the merchant *MUST NOT* accept any monies from the check writer towards the total amount owing; the check writer should be directed to contact this office for inquiries or restitution purposes.
 - b. Restitution, if collected, will be sent to the appropriate business on a monthly basis through the mail to the address you provide.
 - c. In addition to the amount of the bad check, the check writer may be responsible to pay an administrative fee to the Missoula County Attorney's office.

Mailing Information

1. Remit the following information to Missoula County Attorney's office:
 - a. Either the undeliverable (unopened) five (5) day demand letter by certified mail or the signed certified mail card
 - b. Completed Form B

- c. Bad check(s)
- d. Any video or photographs of the incident
- e. Any additional pertinent information

2. Mail the bad check packet to:

Missoula County Attorney's Office
Attn: Bad Check Department
200 W Broadway St.
Missoula, MT 59802

Bad checks are an expensive and time-consuming problem for both the merchants/businesses and law enforcement agencies of this community. We hope this policy directive will reduce the number of bad checks received and educate businesses and employees.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kirsten H Pabst".

Kirsten H Pabst
Missoula County Attorney