

OKLAHOMA - 20th DISTRICT **BOGUS CHECK RESTITUTION PROGRAM**

Merchants lose millions of dollars because of bad checks. Consumers share in these losses through high prices. The District Attorney's office has a Bogus Check Restitution Program to track down bad check writers, return the money to the victims, and deter future offenses through a diversion program designed to remove some of the load from overburdened local police. It provides new avenues to obtain restitution, to protect the public, and to seek justice.

This service is provided FREE OF CHARGE to all merchants and citizens of Oklahoma. The 20th District office provided this service for Carter, Johnston, Love, Marshall, and Murray Counties. The Bogus Check Restitution Program is funded 100% by the bogus check writers. The statutory fee charged to the check writer enables the program to be self-supporting without any additional burden to taxpayers. Theft with a pen is more subtle than theft with a weapon, but it is still theft and you lose. By working together, we can reduce the number of bogus checks and collect the ones that you do receive.

THE FOLLOWING ARE GUIDELINES FOR THE BOGUS CHECK RESTITUTION PROGRAM:

CHECK QUALIFICATIONS

CHECKS WHICH DO QUALIFY FOR THE PROGRAM:

GIVEN IN PAYMENT FOR:

- Merchandise
- Cash
- Services (Checks in payment of services must be given at the time services are rendered)
- Down Payments

RETURNED BY THE BANK BECAUSE OF:

- Insufficient Funds
- Account Closed
- No Account

ALL CHECKS MUST BE PROCESSED THROUGH THE BANK WITHIN 30 DAYS FROM THE DATE CHECK WAS WRITTEN AND MARKED WITH THE APPROPRIATE REASON FOR RETURN.

CHECKS WHICH DO NOT QUALIFY FOR THE PROGRAM:

INVOLVED IN A CREDIT TRANSACTION, SUCH AS:

- Partial payment
- Postdated check
- Two-party check

RETURNED BY THE BANK BECAUSE OF:

- Stop payment
- Signature irregular/forgery

HOW TO USE THE PROGRAM

- There is no set amount of time that a merchant must extend to the check writer, nor are there any regulations governing the number of collection attempts made by merchants.
- When a check writer does not pay, bring the original check to the Bogus Check Restitution Program office as soon as possible, plus any bank charge slips assessed to you. If mailing checks and completed affidavits is more convenient for your business, we will provide affidavits and pre-addressed envelopes or labels for you. Affidavits, pre-addressed envelopes, pre-addressed labels may be obtained in the District Attorney Offices located in Carter, Johnston, Love, Marshall and Murray County Courthouses.
- Don't allow the check writer to break promise after promise in order to gain extensions. This only allows them time to change residences and makes collection procedures more difficult.

COLLECTION PROCEDURE

When you receive a false or bogus check and it meets the requirements previously described, you may submit it to the District Attorney's Bogus Check Restitution Program for collection. When our program receives a bogus check complaint, criminal charges may be filed. A bogus check is considered a misdemeanor when written for an amount under \$1,000.00 and a felony for a check amount above \$1,000.00, per Oklahoma Statute. However, the District Attorney has full statutory discretion concerning the prosecution of a bogus check complaint. An initial 7-day letter will be sent to the check writer. During this time, the check writer should either pay the check, merchant fees and state fees in full or make satisfactory payment arrangements (see Restitution Agreements below). If payment is not made or a Restitution Agreement not entered, collection of the check will be actively pursued by means of telephone calls and additional letters - our collection procedure is very thorough and then by filing charges with the Court. The statute of limitation for bogus checks is five (5) years.

RESTITUTION AGREEMENTS

When located, if the check writer is unable to make full payment at that time, the District Attorney may allow the check writer to enter into a Restitution Agreement for repayment of the check-plus merchant fee and state fees. The amount of time given for repayment in the Restitution Agreement may vary according to the amount of check, date check written and number of checks the District Attorney has been presented on check writer. The Restitution Agreement cannot exceed three years for repayment of the check-plus merchant fees and state fees. Under this plan, the District Attorney may prosecute a check writer who fails to comply with his or her restitution agreement just as if no restitution has been made.

WHERE DOES THE CHECK WRITER PAY FOR CHECKS?

When the bogus check is in your possession, you may accept the money for the check plus bank charges and any service fee you assess for a returned check. It is advisable to take only cash, a cashier's check or money order for the full amount due to you. **If you accept partial payment and the check writer fails to pay the balance or if you accept another check in payment of a bogus check and it is also bogus**, you have by doing so, extended credit to the check writer. Your remedy would then be through civil court and you would be unable to continue through the Bogus Check Restitution Program on that particular check. **ONCE THE BOGUS CHECK IS IN THE POSSESSION OF THE DISTRICT ATTORNEY, ALL PAYMENTS MUST BE MADE THROUGH THE DISTRICT ATTORNEY'S OFFICE**, from time to time, the check writer will come to you with the exact amount of cash to cover a check already assigned to the program. (This will usually happen after they get our letter or telephone call) When this happens please tell the check writer that you no longer have the check and he or she must contact the District Attorney's office.

HOW MUCH DOES THE CHECK WRITER PAY?

Through the Bogus Check Restitution Program the check writer is responsible for reimbursing the merchant for the value of the check, a \$25.00 statutory merchant fee and any bank charges the merchant is assessed by the bank. The check writer is also responsible for paying the District Attorney fee for each check. These fees are set by State Legislature and are charged to the check writers across the State by all District Attorney Bogus Check Divisions. Funds collected for the merchant are paid by check on the last day of each month.

HELPFUL SUGGESTIONS

+ **ASK FOR IDENTIFICATION**

A Driver's license is a good form of identification. Make sure the name on the Driver's License is the same as the name on the check. Look at the picture. Is it the same person? The person who accepted the check must be able to identify the check writer in the case of prosecution.

+ **INITIAL THE CHECK.**

We must know which employee took the check. The employee may remember specific information regarding the check writer which may help in collection efforts.

+ **LIST THE FOLLOWING INFORMATION ON THE CHECK: IF AVAILABLE (Do not allow check writers to complete this information themselves, if so the information is usually found to be incorrect):**

1. DATE OF BIRTH
2. DRIVER'S LICENSE NUMBER AND STATE OF ISSUANCE OR SOCIAL SECURITY NUMBER.
3. PHYSICAL DESCRIPTION (HEIGHT, WEIGHT, HAIR AND EYE COLOR)
4. PLACE OF EMPLOYMENT (OR TELEPHONE NUMBER)
5. PHYSICAL LOCATION OF HOME – STREET OR ROAD ADDRESS NOT P.O. BOX OR RURAL ROUTE.

+ **TIMELY PRESENTATION OF CHECK TO DISTRICT ATTORNEY FOR COLLECTION.**

If collection is not made by merchant within a reasonable amount of time, **DO NOT** continue to keep the check for an extended amount of time. The longer you have the check the harder it is for the Bogus Check Division to make contact with the writer.

These procedures take a little extra time, but will make a big difference in our ability to serve you. You will also find habitual check writers will go somewhere that doesn't ask for identification. It used to be said that statistically, check numbers below 300 are the majority of the bad checks. However, a person can start their check numbers anywhere they want now. With this in mind some banks will print on the check the month and year that the account was opened. Be wary of new accounts.

STATE OF OKLAHOMA, DISTRICT #20
MELISSA HANDKE, DISTRICT ATTORNEY
BOGUS CHECK, RESTITUTION AND SUPERVISION DIVISION
107 1st AVE SW – SUITE 2, ARDMORE, OKLAHOMA 73401
CARTER, JOHNSTON, LOVE, MARSHALL AND MURRAY COUNTIES

TELEPHONE (580) 226-2721

BOGUS CHECK OFFICE SUPERVISOR
CHERYL JACKSON

BOGUS CHECK FILE MANAGER
JACQLYN TURPIN

**BOGUS CHECK RESTITUTION PROGRAM
OFFICE OF THE DISTRICT ATTORNEY
MELISSA HANDKE
122 1st AVE SW
ARDMORE, OKLAHOMA 73401
TELEPHONE (580) 226-2721**

Name of Business/person reporting _____

Address _____ City _____ State _____ Zip _____

Telephone # _____

PLEASE FILL OUT THE FOLLOWING INFORMATION. NOTE: TO FILE CHARGES WE MUST HAVE SOMEONE (WITNESS) WHO CAN IDENTIFY THE CHECK WRITER AND WE MUST HAVE THE DATE OF BIRTH AND THE DL OR SSI NUMBER OF THE WRITER. CHECKS WITHOUT THIS INFORMATION WILL STILL BE WORKED THROUGH THE SYSTEM IN AN ATTEMPT TO COLLECT.

CAN PERSON PASSING CHECK BE IDENTIFIED? YES NO

WHO CAN IDENTIFY? _____ TITLE _____

INFORMATION ON CHECK WRITER

NAME _____ DL/SSN _____
ADDRESS _____ CITY/STATE/ZIP _____
DOB _____ SEX _____ RACE _____ TELEPHONE # _____
EMPLOYER _____

ANY OTHER INFORMATION THAT YOU DEEM HELPFUL IN OUR COLLECTION EFFORTS:
(USE BACK IF NECESSARY) _____

INFORMATION ON CHECK:

Reason Check(s) returned:

Account Closed

Insufficient Funds

No Account

***Checks must be processed through the bank within 30 days from date of check.**

Amount	Bank Charges (Attach bank chrgs.)	Date of check	Check #	Merch. Or Cash (Check which applies)

PLEASE CHECK THE FOLLOWING:

	Yes	No
Was the check postdated?	___	___
Was the check in payment of an open account?	___	___
Has the Check Writer been notified by mail or telephone about check?	___	___
Did you agree to hold the check?	___	___

← Attach copy of letter or phone results.

We hereby authorize the District Attorney to institute criminal investigation against the check writer. **We understand that should the defendant desire to pay the amount of the check, he will be instructed to contact the District Attorney's Bogus Check Division.** We understand acceptance of money by the merchant will only serve to undermine the purpose of the statute and the Bogus Check Program and make future efforts to collect difficult.

Date _____ Signature _____