

BAD CHECK INSTRUCTIONS

This packet is to be utilized when reporting "Closed Account/Insufficient Funds" checks only. This is not to be used with forged checks. Forged checks are checks written by other than the account holder or without permission of the account holder. To report a forged check, call the Sioux City Police, Department at 712-279-6960 and an officer will be dispatched.

No investigations will be conducted on any "Closed Account/Insufficient Funds" checks that are 90 days (3 months) old or older. Nor will an investigation be conducted on "Closed Account/Insufficient Funds" checks which are less than \$300 or multiple checks from same person that are less than \$300 altogether.

REPORTING INSTRUCTIONS

1. Complete the NOTICE & DEMAND form. Make two copies of this form and mail the original to the check writer by Certified Mail/Return Receipt, keep one copy for you and one copy for SCPD.
2. Photocopy both sides of the RETURN RECEIPT (green card) provided by the Postal Service after delivery has been attempted or made.
3. Photocopy the front and back of the "No Account/Closed Account" check.
4. Complete the REQUEST FOR PROSECUTION form.

DO NOT SEND ANYTHING BACK TO THE SIOUX CITY POLICE DEPARTMENT UNTIL THE 10 DAY NOTICE AND DEMAND HAS BEEN SENT AND YOU HAVE RECEIVED NO RESPONSE AND THE 10 DAY PERIOD HAS EXPIRED

5. 5 Return the following to the Sioux City Police Department:
 - Original** REQUEST FOR PROSECUTION form (make copy for your business)
 - Copy** of the NOTICE & DEMAND form
 - Photocopy** (front & back) of the check- **DO NOT SEND ORIGINAL CHECK**
 - Photocopy** (front & back) of the RETURN RECEIPT (green card) - **KEEP GREEN CARD**

It is necessary that you maintain originals of the check and the RETURN RECEIPT. These documents will be needed should this matter go to trial.



**SIOUX CITY POLICE DEPARTMENT
BAD CHECK REPORT
REQUEST FOR PROSECUTION**

Police Case Number

Business Name		Business Address		Business Phone	
Name of Person Reporting Incident		Home Address		Home Phone	
Date of Birth	Social Security Number	Business Address		Business Phone	
Name of Clerk/Person Accepting Check		Home Address		Home Phone	
Date of Birth	Social Security Number	Business Address		Business Phone	
Name on Check (Account Holder/s)		Address on Check		Phone on Check	
Date of Birth	Social Security Number	Address on Check		Phone on Check	
Amount of Check	Check Number	Date on Check	Account Number		
Name & Address of Bank Check Drawn On					
Name of Person Signing Check					
Items Received Goods _____ Services _____			Itemized List of Property or Services Rendered (Attach a copy of invoice or receipt, if available)		
Person Who Accepted Check Must Mark Box A or B and Sign Below					
_____ A. I will testify that I accepted the above check from someone I know personally.					
_____ B. I will testify that I visually examined the check writer's photo ID and will testify that the person depicted in the photo ID is the same person who wrote the check.					
What form of ID was Used?					
DL State & #		Expires		SSN#	
Suspect Descriptors: Race		Sex	Hgt	Wgt	Eyes
Glasses		Tattoos/Scars			
Signature of Person Accepting Check:				Date:	
Transaction Witnessed by (Name)		Address		Soc. Sec. No.	Home phone
1)					
2)					
3)					
Has Checkwriter been talked to? Yes No By Phone In Person					
Name of Person who spoke with Checkwriter:					
Has 10 day demand notice been sent? Yes No					
What was said:					

NOTICE AND DEMAND FOR PAYMENT OF DISHONORED CHECK
(Certified Mail – Return Receipt Requested)

You are hereby notified that Check Number _____ dated _____ made payable to (business)
drawn on (bank) _____ of (town)
in the amount of \$ _____, bearing the signature of _____

has been returned unpaid with the notation that payment has been refused because of _____.

Your attention is called to the laws of the State of Iowa reference to checks. Demand is hereby made for the payment of the above-mentioned check within ten (ten) days after receipt of this notice, in accordance with Iowa law. If this check is not paid in full within the above time period, the holder of this check will seek criminal action through the Sioux City Police Department and Woodbury County Attorney's Office.

Extracts from the Iowa Criminal Code relating to issuance of Closed Account/Insufficient Funds Checks and the penalty thereof.

714.1 Theft Defined.
A person commits theft when the person does any of the following:
Par 6. Makes, utters, draws, delivers, or gives any check, share draft, draft, or written order on any bank, credit union, person, or corporation, and obtains property, the use of property, including rental property, or service in exchange for such instrument, if the person knows that such check, share draft, draft, or written order will not be paid when presented.
a. Whenever the drawee of such instrument has refused payment because of insufficient funds, and the maker has not paid the holder of the instrument the amount due thereon within ten days of the maker's receipt of notice from the holder that payment has been refused by the drawee, the court or jury may infer from such facts that the maker knew that the instrument would not be paid on presentation. Notice of refusal of payment shall be by certified mail, or by personal service in the manner prescribed for serving original notices.
b. Whenever the drawee of such instrument has refused payment because the maker has no account with the drawee, the court or jury may infer from such fact that the maker knew that the instrument would not be paid on presentation.

714.2 Degrees of Theft.
1. The theft of property exceeding ten thousand dollars in value, or the theft of property from the person of another, or from a building which has been destroyed or left unoccupied because of physical disaster, riot, bombing, or the proximity of battle, or the theft of property which has been removed from a building because of a physical disaster, riot, bombing, or the proximity of battle, is theft in the first degree. Theft in the first degree is a class "C" felony.
2. The theft of property exceeding one thousand five hundred dollars but not exceeding ten thousand dollars in value or theft of a motor vehicle as defined in chapter 321 not exceeding ten thousand dollars in value, is theft in the second degree. Theft in the second degree is a class "D" felony. However, for purposes of this subsection, "motor vehicle" does not include a motorized bicycle as defined in section 321.1, subsection 40, paragraph "b".
3. The theft of property exceeding seven hundred fifty dollars but not exceeding one thousand five hundred dollars in value, or the theft of any property not exceeding five hundred dollars in value by one who has before been twice convicted of theft, is theft in the third degree. Theft in the third degree is an aggravated misdemeanor.
4. The theft of property exceeding three hundred dollars in value but not exceeding seven hundred fifty dollars in value is theft in the fourth degree. Theft in the fourth degree is a serious misdemeanor.
5. The theft of property not exceeding three hundred dollars in value is theft in the fifth degree. Theft in the fifth degree is a simple misdemeanor.

714.3 Value
If money or property is stolen from the same person or location by two or more acts, or from different persons by two or more acts which occur in approximately the same location or time period, or from different locations by two or more acts within a thirty-day period, so that the thefts are attributable to a single scheme, plan, or conspiracy, these acts may be considered a single theft and the value may be the total value of all the property stolen.

AFFIDAVIT OF SERVICE BY MAIL

I, _____, depose and state that on _____ I did send by U.S. Postal Service certified mail, return receipt requested, the attached Demand for Payment of Dishonored Check form upon the above-named person. By placing a true and correct copy thereof in an envelope addressed as follows:

Which is the last known address of said individual (the address printed on the check) and depositing the same, with postage prepaid, in the United States Mail at _____, Iowa.

(Signature)

(Title)

(Business)

Send a copy to the check writer, send a signed copy to the Sioux City Police Department, and keep a copy for your records.