

TO: Business or Individual Receiving Non-Sufficient Funds or Account Closed Checks

FROM: Houston County Sheriff's Office

If you receive a non-sufficient funds or account closed check and wish to criminally prosecute the person who passed the check, please follow this procedure: **(Within three months of receiving the non-sufficient funds or account closed check. Checks that are more than three months old, from the date issued, will not be accepted.)**

1. **NOTICE TO PERSON WHO ISSUED**

Send a copy of the Demand for Payment, a copy of the returned check, and if desired, a copy of the letter from the Sheriff. Fill out the Demand for Payment as indicated. **This must be sent by certified mail, with the return receipt requested, or by regular mail, supported by an affidavit of service.**

2. **WAITING PERIOD**

After the return receipt is received by you from the Post Office, note the date the letter was accepted. After five (5) business days, if the person has not paid the check, make a police report.

3. **POLICE REPORT**

The following information should be on the check: FULL NAME (First, Middle, Last), DATE-OF-BIRTH, ADDRESS, TELEPHONE NUMBER, and DRIVER'S LICENSE NUMBER and STATE OF ISSUE. In addition, the court requires that the person accepting the check put his/her initials on the check at the time it is being cashed.

When making a police report, the following documents will be required:

- a) The original check
- b) A copy of the Demand for Payment that was mailed
- c) The original return receipt bearing the addressee's signature, or the original affidavit of service (If the certified letter is checked as "REFUSED" by the addressee, prosecution is still possible)
- d) A completed copy of the NSF and Account Closed Check Questionnaire form

PLEASE NOTE, once the dishonored check has been turned over to the police, prosecution will be determined on the basis of the strength of the criminal case. ***The prosecution process is not a collection process.*** If you have accepted partial payment or made payment arrangements, the individual cannot be prosecuted. You should also be aware that should the individual contest the charges, a court appearance will be required of the person accepting the check. Once the check is turned over to the Sheriff's Office, the reimbursement of the bad check must go through the Sheriff's Office. The Sheriff's Office will assess a \$30.00 fee above the issued amount. The Sheriff's Office will retain \$20.00 as a service fee and return \$10.00 above the issued amount to the business.



HOUSTON COUNTY SHERIFF'S OFFICE

306 South Marshall Street Suite 1100 Caledonia MN 55921

Brian L. Swedberg - SHERIFF



TO WHOM IT MAY CONCERN:

Issuance of a check without sufficient funds and issuance of a check on a closed account is a violation of State Statute punishable by up to 90 days in jail, and/or up to a \$1,000.00 fine.

The purpose of this letter is to advise you that if a business turns over to us a non-sufficient funds check or a closed account check, it is common procedure for the Houston County Sheriff's Office to pursue legal measures against the drawee who has failed to rectify the situation after receiving notice of non-payment.

If you have any questions concerning this course of action, please feel free to contact the Houston County Sheriff's Office.

Sincerely,

Brian Swedberg
Houston County Sheriff

DEMAND FOR PAYMENT OF DISHONORED CHECK

DATE: _____

Name: _____

Address: _____

City: _____

State: _____ Zip: _____

YOU ARE HEREBY NOTIFIED that a check dated _____,
drawn on _____, Bank of _____,
in the amount of _____, bearing the signature of _____,
has been returned because of _____ Said check
_____ was cashed at _____ in
_____, Minnesota, _____.

SEND FULL PAYMENT TO:

Name: _____

Address: _____

City: _____

State: _____ Zip: _____

EXTRACTS FROM MINNESOTA STATUTES RELATING TO CHECKS

SECTION 609.535 sub 2. Acts Constituting:

Whoever issues any check or other order for payment of money which at the time of issuance, he/she intends shall not be paid, may be sentenced to imprisonment for not more than 5 years and/or \$10,000 or both if the check is more than \$500.00; to imprisonment for not more than 1 year and/or \$3,000 of both if the check is more than \$250.00; and to imprisonment for not more than 90 days and/or \$1,000.00 or both if the check is \$250.00 or less.

SECTION 609.535 sub 3. Proof of Intent:

Any of the following is evidence to sustain a finding that the person at the time he/she issued the check or other order for payment of money, intended it should not be paid: 1) Proof that at the time of issuance he/she did not have an account with the drawee; or 2) Proof that at the time of issuance he/she did not have sufficient funds or credit, with the drawee, and that he failed within five days after receiving notice of non-payment or dishonor to pay the check or other order; or 3) Proof that when presentment was made within a reasonable time, the issuer did not have sufficient funds or credit with the drawee, and that he/she failed within five days after receiving notice of non-payment or dishonor to pay the check or other order.

The bank will be authorized to release information relating to the account to the payee or holder of the check and may also release information to law enforcement authorities if the check is not paid in full within five (5) days.

HOUSTON COUNTY SHERIFF'S OFFICE

NON-SUFFICIENT FUNDS / ACCOUNT CLOSED CHECK QUESTIONNAIRE

To be completed by the person requesting police prosecution. Please complete as many of the questions as possible.

PERSON WHO PASSED THE CHECK

FULL NAME		DATE-OF-BIRTH		TELEPHONE NUMBER	
STREET			CITY		STATE / ZIP
DESCRIPTION	HEIGHT	WEIGHT	SEX	HAIR COLOR	
IDENTIFICATION USED: <i>If a driver's license or ID Card, list state issued by along with the number.</i>					
VEHICLE USED		LICENSE PLATE NUMBER		STATE ISSUED BY	
PLACE OF EMPLOYMENT				TELEPHONE NUMBER	

PERSON WHO ACCEPTED THE CHECK

FULL NAME		DATE-OF-BIRTH		TELEPHONE NUMBER	
STREET			CITY		STATE / ZIP

1. Could the person accepting the check recognize the check passer? YES NO
2. On what date and approximate time was the check accepted? _____
Date / Time
3. Was there any agreement to hold the check before cashing? YES NO
4. Was the check post-dated? YES NO

If answer was YES to either question 3 or 4, please explain: _____

5. For what was the check accepted? _____

NON-SUFFICIENT FUNDS / ACCOUNT CLOSED CHECKS

Photo Copy of Check:

The check is Non Sufficient Funds Account Closed
NOTES:

Certified Demand For Payment	
Date Sent:	Date Returned:

Check given to the Houston County Sheriff's Office.
Date: _____ Police Report Number: _____

FINAL DISPOSITION: _____

