

Remember that crime prevention begins with alert and knowledgeable citizens. Worthless checks can be controlled with your help. If you have any questions, please call our HOT CHECK DIVISION at (361) 790-0114 and ask for Cassandra N. Perkins.

PUNISHMENT: THEFT BY CHECK

| Check amount | Court | Punishment range |
|---------------------|--------------|---|
| Under \$20.00 | J.P. | Up to a \$500 fine |
| \$20.01-\$499.99 | County | Up to 6 months jail and a \$2000.00 fine |
| \$500.00-\$1499.99 | County | Up to 12 months jail and a \$4000.00 fine |
| \$1500 or more | District | Felony offense |

PUNISHMENT: ISSUANCE OF BAD CHECK

| Check amount | Court | Punishment range |
|---------------------|--------------|-------------------------|
| All amounts | J.P. | Up to a \$500 fine |

FREQUENTLY ASKED QUESTIONS

Question: Can I accept payments after the check has been filed with the County Attorney?

Answer: No. The check writer must make restitution through the County Attorney's Office.

Question: What if the check writer claims the check was forged?

Answer: Take the check to your police department if the check was written inside the city limits. Otherwise, take it to the Sheriff's office.

Question: Can I send the check to the County Attorney's Office if the check writer has made a partial payment?

Answer: Yes. Bring in the check, a copy of the letter you mailed to the check writer, the green card, and green and white receipt for certified mail, returned receipt, or bring in the affidavit of service. Bring in the payment records.

Question: Can I post a list of hot-check writers?

Answer: Yes, but you may pay the consequences if you make a mistake. A safer approach might be to make a list with a notation of "Do not take checks written on the following accounts" or "Ineligible check writers", have the list viewable only by you and or your employees.

Question: If a check writer writes several checks, do I have to fill out a separate arrest warrant affidavit for every check?

Answer: Yes. We file on each and every check as a separate case.

Question: Do I have to come in person to the County Attorney's office?

Answer: No, but it sure helps. Our experience is that the process works smoother and faster if you will let us assist you in completing all the forms. However, if you are experienced in the process and careful in completing the forms, you can do it without coming in. The forms are available online at www.aransascountytexas.gov under Aransas County Attorney.

Question: What Checks that cannot be prosecuted successfully:

Some checks do not qualify for criminal prosecution for different reasons. These checks are as follows:

1. "Hold" checks. (This is an extension of credit and not a theft case.)
2. Post-dated checks. (This is an extension of credit and not a theft case.)
3. Two-party checks, Payroll checks. (It is nearly impossible to prove which party had the intent to commit theft.)
4. Drafts. (This is a promise to pay in the future and operates as an extension of credit.)
5. Out-of-state. (It is extremely difficult and expensive to subpoena bank records from an out-of -state bank.)
6. Out-of-state resident. (We do not extradite for a misdemeanor offense.)
7. A check with no ID recorded on it by the person who took the check.
8. A check that does not identify the person who accepted the check.
9. A check returned by the bank marked "refer to maker", drawn against uncollectable funds", or "unable to locate account".
10. "Stop payment checks for used merchandise or service work.
11. Check not presented to the bank within 30 days.
12. If the check writer claims forgery.
13. Low numbered checks.
14. Beware of checks offered by check writers who present for identification passports green cards, student IDs and military IDs.
15. Non-local check writers, a sloppy signature may be an attempt to prevent easy comparison with the signature on the ID, two party checks, and presigned checks.

Your contact person for hot checks is:

Cassandra N. Perkins

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