



**OFFICE OF THE PROSECUTING ATTORNEY
COLE COUNTY, MISSOURI**

WM. LOCKE THOMPSON
PROSECUTING ATTORNEY

Please call our Bad Checks Department at (573) 634-9029 for any questions or further information.

Remember: Cashing a check is a privilege, not a right. You are not required to accept a check from anyone. You have the right to insist upon cash or money orders. Sometimes refusing to accept a personal check will save you time and money in the long run.

**Procedure for reporting bad checks to the
Cole County Prosecuting Attorney's Office**

1) Upon receipt of the check(s) from your bank, complete a Bad Check Complaint Form (available **here**), attach the check(s) to it, and submit both immediately to:

Bad Checks Department
Office of the Cole County Prosecuting Attorney
311 East High Street, Third Floor
Jefferson City, Missouri 65101

2) The Cole County Prosecuting Attorney's Office will send out a thirty-day letter to the bad check writer. You are not required to send a written notice.

3) Upon payment, our office will forward the restitution to the person or business that accepted the check.

4) If we receive no response from the person who wrote the check, we will make every effort to pursue prosecution, but we need your help and cooperation to do it.

Requirements for prosecution

In order to prosecute a bad check case in court, the prosecutor must be able to prove that a specific defendant wrote a specific check. Since many weeks may have passed from the time you accepted the check until the time you appear in court, we require you to have followed these procedures to make sure we will have a winnable case:

1) Get the driver's license or social security number of the person writing the check from his or her license, make a notation of what state the license is from, and make a notation of the person's date of birth.

2) If you do not know the check writer personally, require the person to show current identification, including a photograph.

3) Compare the person in the photograph to the person in front of you to make sure they match. That way, if you cannot recognize the person later at trial, you can testify that you always compare the person to the driver's license photograph and that you did so in this case.

4) Require a current address.

5) **Do not accept checks written on banks outside of Missouri** unless you are willing to accept the risk of loss.

Situations in which prosecution may not be possible

- 1) If the person who accepted the check is unknown or unavailable.
- 2) If the person who accepted the check cannot identify the check writer.
- 3) If the person who accepted the check did not make a record of the driver's license number and state issued.
- 4) If you made an agreement with the bad check writer to take partial payments on the check.
- 5) If you had an agreement with the bad check writer to hold the check.
- 6) If the check was not dated or was post-dated.
- 7) Two-party checks.
- 8) Stop-payment checks are extremely difficult to prosecute criminally if the check writer is willing to make arrangements to return the property for which the check was given in substantially the same condition as when it was received.

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