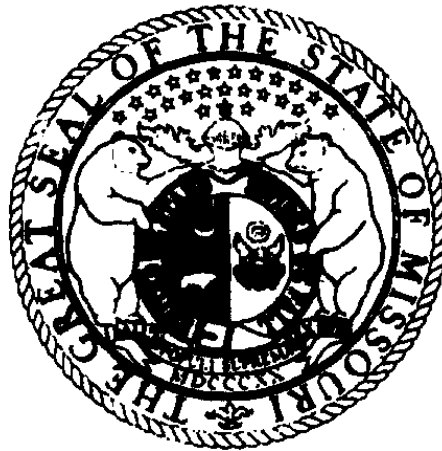


**ST. LOUIS COUNTY  
PROSECUTING ATTORNEY**



**MERCHANT'S HANDBOOK  
FOR BAD CHECKS**

**ROBERT P. MCCULLOCH  
ST. LOUIS COUNTY PROSECUTING ATTORNEY**

**BAD CHECK DIVISION**

**PROSECUTING ATTORNEY'S OFFICE  
ST. LOUIS COUNTY COURTHOUSE  
7900 CARONDELET, PLAZA LEVEL  
CLAYTON, MISSOURI 63105  
(314) 615-7522**

OFFICE OF PROSECUTING ATTORNEY

ROBERT P. MCCULLOCH  
Prosecuting Attorney

St. Louis County  
7900 Carondelet Avenue  
St. Louis County, Missouri 63105

(314) 615-7522



Bad checks are bad for business, bad for the economy and consequently bad for our community. Bad checks cost St. Louis County merchants many thousands of dollars each year. A loss to a community merchant is a loss to the entire community.

Prosecution of a bad check offender is like any other prosecution—it's a deterrent. For the "amateur", being arrested, fingerprinted and prosecuted may be shock enough to cure him forever of his bad habits. For the "professional", we want to send a clear message—don't do it in St. Louis County or you'll be sorry.

Successful prosecution of a bad check requires cooperation. If you want our help, give us your help. What might seem like a cumbersome procedure initially will become routine. Certain information is essential. With your help, we can dramatically reduce losses.

The services of this office cost you nothing—at least nothing more than the taxes you're already paying. Our expenses in collecting and prosecuting bad checks will be paid by the offenders, not the merchants.

My staff is here to serve you. Rely on their advice and expertise. Working together, we can solve this problem.

Thank you for your support and cooperation.

Robert P. McCulloch  
Prosecuting Attorney

If you receive a check in St. Louis County which is not honored because the writer lacked sufficient funds or credit in the drawee account to pay the check or because the writer did not have an account with the institution the check was drawn on, the law of Missouri in Section 570.123, RSMo., provides you with a choice of remedies, civil or criminal.

## CIVIL ACTION FOR MONEY

If you choose to pursue your civil remedy, here are the steps you would take:

1. By certified or registered mail, send notice that the check did not clear and a written demand for payment within 30 days to the maker of the check and to any endorser of the check at the address appearing on the check or to the last known address of each such person. Keep a copy of the letter, the stub from the certified or registered mail form, and the green postcard if it is returned to you.
2. If you do not receive payment within 30 days, file suit. You can represent yourself in small claims court if the amount of money you seek is not greater than \$3,000.00.
3. In addition to the face amount of the check, you can ask for a penalty of three times the face amount of the check, but not less than \$100.00 and not more than \$500.00. You can also ask for attorney fees incurred in bringing the action if you have an attorney.
4. When you have obtained a judgment, you will have to collect it if the writer does not pay it voluntarily.

## CRIMINAL PROSECUTION

If you choose not to pursue your civil remedy, it may be possible to prosecute the writer of a check returned for insufficient funds, a closed account, or no account for violating Section 570.120, RSMo. Here is how you would commence criminal prosecution:

1. Have a Ten Day Letter sent demanding that the writer make payment within ten days or face prosecution. Some municipal police departments send Ten Day Letters as a service to their constituents. Check with your local department about that. This office will send a Ten Day Letter for you at no charge to you. Call (314) 615-7522, 8:00 a.m. – 4:30 p.m. on a weekday. We will mail you a complaint form, a

return envelope, and instructions. Fill out the form. MAIL THE FORM, THE ORIGINAL CHECK, AND ONE COPY) (on a full size sheet of paper, face of the check only) to this office. We will send you back a receipt. Each check must be accompanied by a separate complaint form.

2. The letter this office sends for you will ask the writer to send us restitution payable to you by cashier's check or money order within ten days. If we receive payment, we will mail it to you promptly.
3. If we do not receive payment, we will mail you back your check, a duplicate of the letter we sent for you, and a cover letter. You should then take these items to the police department that patrols the place you received the check and ask the police to take a report, investigate, develop evidence, and apply for a warrant for arrest of the writer at the Prosecuting Attorney's Office.

## STOP PAYMENT CHECKS

Stop payment checks are governed by Section 570.125, RSMo., a different statute from the one governing insufficient funds, account closed, and no account checks. Sometimes it is a crime to stop payment on a check. Sometimes it is not. The issue is whether or not the person stopping payment did so with intent to defraud. If there is a dispute over the quality of goods or services, it is often impossible to prove intent to defraud. If you receive a stop payment check, you will have to send your own notice by certified or registered mail. If you call (314) 615-7522, we will send you a sample letter and instructions.

## BE CAREFUL

Because of legal technicalities, we are not able to prosecute:

- A. Third Party Checks.
- B. Undated or otherwise incomplete checks.
- C. Checks for which you have agreed to accept or have accepted partial payment.
- D. Checks marked "Refer to Maker" or "Uncollected Funds".

In addition, it is often not possible to prosecute writers of checks drawn on banks located in states other than Missouri.

For your own good, please:

1. Do not accept checks written on banks outside Missouri.
2. Do not accept undated, post-dated, or incomplete checks.
3. Do not agree to hold checks for a period of time before negotiating them.
4. Do not accept third party checks.
5. Do require the person presenting the check to show the person receiving it current identification which includes a photograph of the person presenting the check.
6. Do compare the photograph to the person to be sure they match.
7. Do require that the current address and telephone number of the person presenting the check appear on the check.
8. Do require the person accepting the check to initial it.

Thank you for your cooperation.

# BAD CHECK COMPLAINT

Person who signed check:

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

To whom should payment be sent:

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Name check was payable to: \_\_\_\_\_

Amount of check: \_\_\_\_\_

Why was check returned?     Insufficient Funds     Account Closed  
    No Account     Other \_\_\_\_\_

Date check was received: \_\_\_\_\_

Address at which check was received: \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Police department which patrols address at which check was received:  
\_\_\_\_\_

Check number: \_\_\_\_\_ Date on check: \_\_\_\_\_

What check was for : \_\_\_\_\_

Has person signing check made payment for any part of it?     NO     YES

Has person or company responsible for check filed bankruptcy?     NO     YES

Did person accepting check agree to hold it for any length of time before cashing it?     NO     YES

Name, address and phone of person bringing or mailing check to Prosecuting Attorney:

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_

I certify that the foregoing information is true and correct to the best of my knowledge.

Signature \_\_\_\_\_ Date \_\_\_\_\_