



Strasburg Police Department
358 Fifth St. S.W., Strasburg, Ohio 44680
Phone (330) 878-7011 Fax (330) 878-2021
E-MAIL police@villageofstrasburg.com

Chief William J. McCamant IV

Because of your inquiry concerning a bad check prosecution, you are being provided with the following information:

- 1. An explanation of the procedures, criminal and civil in filing actions against the maker of a check.*
- 2. A notice, signed by the Village Prosecutor, which you are to finish filling out and mail by certified mail, return receipt requested, (keep your receipt for evidence) to the maker of the check.*
- 3. A bad check information sheet, which you are to fill out and return to the Strasburg Police Department after waiting 15 days after the subject receives and/or refuses the certified letter..*
- 4. A letter, which further explains procedures in criminal bad check cases.*
- 5. A copy of Ohio's Law against bad checks, which you may choose to post as information to your employees who accept checks, and to those customers who cash them. (Village Ordinances pertaining to bad checks are identical to Ohio Law).*
- 6. Advise to merchants, which you may wish to post as information to your employees who accept checks.*

STRASBURG VILLAGE CORPORATION

MEETINGS OF COUNCIL ON THE FIRST
AND THIRD TUESDAY OF EACH MONTH

358 5TH STREET S.W.
STRASBURG, OHIO 44680

Dear Complaining Witness:

If you decide to file criminal bad check charges, an arrest or a summons will be issued and the defendant may be arrested or summoned into court to answer the charges.

Once you have made the decision to file criminal charges, whether or not you collect your money, charges will not be dismissed. This is necessary so that the police and myself and the courts will not be involved if you are sued for false arrest or malicious prosecution.

You should be aware that filing charges in order to collect on a check is a very serious matter. Using this procedure to collect your money and then asking that charges be dismissed is conduct that will not be tolerated.

Sincerely,

Steven A. Anderson, Prosecutor
Village of Strasburg

ADVICE TO MERCHANTS

1. Negotiate all checks promptly.
2. Know the maker or get sufficient identification.
3. Insist that every check is filled out completely.
4. Have the clerk or teller that takes the check initial it.
5. Make every effort to collect before you file criminal charges.
6. Ask your Law Enforcement Officials to help you if you have training problems or questions.
7. Investigate before you invest your money in a check.
8. Be able to identify the person in court who passed the check.

DO'S

Beware of strangers!

Take checks for only the amount of the purchase!

Weigh the possible loss you may take against the possible gain!

Ask for more than one kind of I.D. You are safer with multiple Identification!

Compare the handwriting on the check with the specimen on the identification!

Compare the person with the description of the person on the I.D. as to age, nationality color of hair, signature, and take special notice of the photograph if there is one!

Make sure the check meets all legal requirements!

Have personal checks endorsed in your presence. If they have payee.
Already been endorsed, have them sign again while you are there!

Be doubly cautious on weekends and holidays!

DON'TS

Establish the acceptability based on one I.D.!

Accept a combination of I.D. documents which are offered to readily. Ask for other items.

Cash checks when a customer's I.D. not bear a specimen signature.

Forget to note the address, phone number and other pertinent data about the customer on the back of the check, as well as the serial number and expiration date on the I.D.

Accept checks with second endorsements from strangers.

Honor a check which is stale dated or post dated .

Cash checks on out-of -town banks or faraway addresses.

Accept endorsement which varies from the person listed as

Honor a check which is illegible, or which has been altered as to the date, or amount. ETC.

Permit yourself to become flustered to the person who is in a rush

If you suspect someone of trying to obtain cash or merchandise with a fraudulent check, notify the authorities immediately. Give them a complete description of the suspect and any other information you have about him or her.

In some cases, your bank may also be able to help you protect yourself and other merchants against bad check losses.

Call on an Officer of the bank if the occasion demands.

OHIO LAW ON BAD CHECKS

The Statute

ORC 2913.11 Passing bad checks

- (A) No person, with purpose to defraud, shall issue or transfer or cause to be issued or transferred a check or other negotiable instrument, knowing that it will be dishonored.
- (B) For purposes of this section, a person who issues or transfers a check or other negotiable instrument is presumed to know that it will be dishonored, if either of the following occurs:
- (1) The drawer had no account with the drawee at the time of issue or the stated date, whichever is later.
 - (2) The check or instrument was properly refused payment for insufficient funds upon presentment within thirty days after issue or the stated date, whichever is later, and the liability of the drawer, indorser, or any party who may be liable thereon is not discharged by payment or satisfaction within ten days after receiving notice of dishonor.
- (C) For purposes of this section, a person who issues or transfers a check, bill of exchange, or other draft is presumed to have the purpose to defraud if the drawer fails to comply with section 1349.16 of the Revised Code by doing any of the following when opening a checking account intended for personal, family, or household purposes at a financial institution.
- (1) Falsely stating that the drawer has not been issued a valid driver's license or commercial driver's license or identification card issued under section 4507.50 of the Revised Code;
 - (2) Furnishing such license or card, or another identification document that contains false information;
 - (3) Making a false statement with respect to the drawer's current address or any additional relevant information reasonably required by the financial institution.
- (D) Whoever violates this section is guilty of passing bad checks. Except as otherwise provided in this division, passing bad checks is a misdemeanor of the first degree. If the check or other negotiable instrument is for payment of five hundred dollars or more and is for the payment of less than five thousand dollars, passing bad checks is a felony of the fifth degree. If the check or other negotiable instrument is for the payment of five thousand dollars or more and is for the payment of less than one hundred thousand dollars, passing bad checks is a felony of the fourth degree. If the check or other negotiable instrument is for the payment of one hundred thousand dollars or more, passing bad checks is a felony of the third degree.

OF THE VILLAGE OF STRASBURG, OHIO

NOTICE

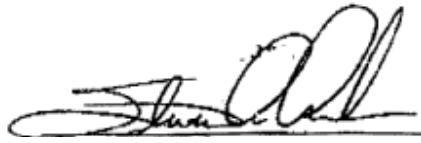
To: _____

On this date the below named complaining witness requested from the Strasburg Village Prosecutor that a criminal charge be filed against you for the issuance of a bad check. This is because your check, which is further described below, has been presented for payment and refused.

According to the Laws of the State Of Ohio, and the Ordinances of the Village of Strasburg, the filing of a criminal charge would result in the issuance of either a Summons or an arrest Warrant, an appearance before the Judge, the entering of a Plea, and a trial on the merits of the case.

The complaining witness has been instructed to mail this notice to you. You have 15 days from the date of this notice in which to pay this obligation or reach an agreed settlement with the complaining witness. In the event this matter has not been settled, he/she will return this information to the Prosecutor after 15 days. If the complaining witness can present facts sufficient to sustain a cause of action at that time, he/she is entitled under Law to file a criminal charge.

Address all inquiries directly to the complaining witness.



Strasburg Village Prosecutor

Date: _____

Information on check:

Complaining witness:

Date: _____ Number: _____

Address: _____

Bank or Inst.: _____

City: _____ State: _____

Account Name: _____

Zip: _____

Payable To: _____

Phone #: _____

Amount: _____

Signature: _____

BAD CHECK INFORMATION SHEET

STRASBURG VILLAGE PROSECUTOR
Steven A. Anderson

To aid in the prosecution of a bad check case, please fill out the following information, and bring it with you to the Strasburg Police Department at the time you file charges.

COMPLAINANT

Name: _____

Address: _____

Telephone #: _____

PERSON WHO WILL SIGN CHARGES

Name: _____

Address: _____

Telephone #: _____

PERSON PASSING BAD CHECK

Name: _____

Address: _____

Telephone #: _____

Approximate age: _____ Hair color: _____ Eye color: _____

Height: _____ Weight: _____ Glasses: Yes _____ No _____

Scars or distinguishing marks: _____

Identification used to cash check: _____

PERSON WHO ACCEPTED BAD CHECK

Name: _____

Address: _____

Telephone #: _____

RECEIVED FOR CHECK

Merchandise: \$ _____

Cash: \$ _____

INFORMATION ON CHECK

Date of Check: _____ *Check No.:* _____

Date Accepted: _____

Date Presented for Payment: _____

Reason Check Dishonored: _____

Bank or Institution: _____

Account Name: _____

Check Payable To: _____

Amount of Check: \$ _____

PLEASE COMPLETE THE FOLLOWING CHECK (Check if Applicable):

Check was not postdated..... _____

Partial payment has not been accepted..... _____

Check was not in payment of an account..... _____

No agreement to hold check..... _____

Passer notified check dishonored..... _____

Specify how notified: _____

AUTHORIZATION:

We hereby authorize the Strasburg Village Prosecutor to institute criminal actions against the maker of the check. It is understood that should the defendant desire to pay the amount of the check after charges have been filed, payment will be refused until such time as authorized by the Strasburg Village Prosecutor. Payment of the check may be considered for mitigation or reducing punishment, but not as a basis for dismissal of the charges.

Date: _____ *Signature:* _____

OK: _____