

Office of the Barton County Attorney

1400 Main St, Room 302
Great Bend, KS 67530
ph: (620) 793-1851
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Dear Merchant:

Worthless checks are a major problem for businesses and this office will prosecute the passers of worthless checks to the extent possible. In order to effectively prosecute the passers of worthless checks, the Barton County Attorney's Office will adhere to the following policies.

- (1) This office will not prosecute bad checks which are more than ninety (90) days old; or drawn on a non-personalized check blank (counter checks); or two party checks; or checks which are drawn on out of state banks.
- (2) The clerk who accepts the check must initial it. If the check writer's name, phone number, address and driver's license number are not preprinted on the check, this information must be obtained by the clerk from the check writer. If the clerk does not know the check writer, the person's driver's license should be looked at to determine whether the picture on the license matches the person writing the check, and also verify the driver's license number, if it is printed on the check. The clerk should also obtain descriptive data on the check writer, which in on the driver's license, such as the check writer's height, weight, hair, eye color, and date of birth, etc. Worthless check prosecutions often hinge on identification, and following the above procedure will greatly aid identification in court.
- (3) Checks for an amount less than \$10.00 will not be accepted for prosecution.
- (4) Before a check is accepted for prosecution, the certified mail notice must be sent to the address appearing on the check. This notice must be sent regardless of whether the check has been returned marked "Insufficient Funds" or "Account Closed".
- (5) It may not be possible to file criminal charges on all checks received. We will, as always, attempt to obtain restitution on all checks accepted for prosecution, but this office's primary purpose is to prosecute crimes and not to provide a debt-collection service. As a result, any checks that have previously been turned over to a professional debt-collection service will not be accepted for prosecution.
- (6) Only checks that are presented in person by the holder of the checking account will be accepted for prosecution.
- (7) The following checks will not be prosecuted:
 - (a) Post-dated checks.
 - (b) Checks the passer asked you to hold.
 - (c) Checks on which you have taken any payments.
 - (d) Checks used to purchase real estate or an interest in real estate.
 - (e) Checks on which you have agreed to take payments.
 - (f) Checks on which you have established an accounts receivable.
 - (g) Checks accepted by you with your knowledge there were not sufficient funds to pay the check.
 - (h) Once a check is submitted to our office for persecution, you may not accept any payment from the passer. You must direct the passer to contact our office.

The forms, which must be completed before prosecutions can commence, are available, upon request, from this office. If you have any questions after reviewing this letter, or desire an explanation or clarification of any of the above guidelines, please feel free to contact our office at your convenience.

Yours truly,

Amy J. Mellor
Barton County Attorney

OFFICE OF BARTON COUNTY ATTORNEY

1400 MAIN, ROOM 302
GREAT BEND, KS 67530
PHONE 620-793-1851

REQUEST TO COUNTY ATTORNEY'S OFFICE FOR CRIMINAL PROSECUTION

1. NAME OF COMPAINANT _____
ADDRESS AND PHONE # _____
2. COMPANY OR BUSINESS _____
ADDRESS AND PHONE # _____
3. NAME OF PERSON WHO TOOK CHECK _____
ADDRESS AND POSITION _____
4. NAME OF PERSON WHO WROTE THE CHECK _____
5. DESCRIPTION OF PERSON WHO CASHED THE CHECK _____
6. HEIGHT _____ WEIGHT _____ DOB _____ HAIR _____ EYES _____ SEX _____ DL _____
7. NAME OF BANK ON WHICH CHECK WAS WRITTEN _____
8. DATE OF THE CHECK AND THE AMOUNT OF THE CHECK _____
9. REASON CHECK WAS RETURNED BY THE BANK _____
10. CAN PERSON WHO TOOK CHECK IDENTIFY THE PASSER _____
11. MERCHANDISE RECEIVED FOR THE CHECK _____
12. WAS CHECK GIVEN IN PAYMENT OF AN ACCOUNT _____
13. DID PASSER ASK THAT CHECK BE HELD _____
14. WAS CHECK POST-DATED _____
15. DID YOU OR YOUR EMPLOYEE KNOW OR MAKE INQUIRY AS TO WHETHER MAKER HAD AN CHECKING ACCOUNT OR MONEY IN BANK _____
16. WHAT NOTICE HAS BEEN GIVEN TO MAKER OF CHECK: PERSONAL _____ REGISTERED LETT _____
17. WHAT IDENTIFICATION DID THE PASSER SHOW TO PERSON TAKING THE CHECK _____
18. I AM WILLING TO TESTIFY IN COURT TO THE ABOVE FACTS UNDER OATH. _____
Complainant's signature

SUBSCRIBED AND SWORN to before me this _____ day of _____.

My appointment expires: _____

WORTHLESS CHECK AFFIDAVIT

THE STATE OF KANSAS)
vs:)
_____)

Comes now the undersigned and deposes and says:

- 1. That the attached check was given to _____ at _____, Barton County, Kansas, on the ____ day of _____, 20 __, by a person identified as _____, who in turn received goods, wares, merchandise or cash for said check, and said check was NOT given for a pre-existing debt. The check was personally received from the passer by _____.
2. That the check was not requested to be held.
3. That the maker or passer of said check did not borrow any money and give the check as security for the debt or loan.
4. That the check was not post-dated.
5. That the check was submitted to the bank for payment during the usual course of business and was not held.
6. That, when the check was returned, we did on the ____ day of _____, 20 __, by letter deposited as restricted mail in the U.S. Mail, addressed to the address as it appears on said check, draft or order, advise the maker of the check that if the check was not paid within ten (10) days, it would be submitted for prosecution.

The attached check is submitted to the Barton County Attorney's Office for the purpose of prosecution with the full understanding that the prosecution will not be dismissed because restitution has been made. I am aware that under the provisions of K.S.A. 21-5822 and amendments thereto, Causing an Unlawful Prosecution for Giving a Worthless Check is a Class A non-person Misdemeanor, and any person convicted of such violation shall pay the taxable costs of the prosecution initiated by such person or upon information supplied by such person. Causing an Unlawful Prosecution for Giving a Worthless Check is filing this affidavit on a check that was accepted knowing the same was post-dated or that there were no funds, or insufficient funds, to pay said check, draft or order upon presentation at the bank of depository. Having read the foregoing, I do hereby affix my signature this ____ day of _____, 20 __.

(Signature of Affiant)

Subscribed and sworn to before me this ____ day of _____, 20 __.

Notary Public

TO: BARTON COUNTY ATTORNEY'S OFFICE

FROM: _____

RE: VICTIM NOTIFICATION

I am aware that, according to K.S.A. 74-7335, your office is required to notify me of each and every hearing open to the public in any case that I may be a victim in. Knowing my right to be notified, I hereby waive my right of notification of hearing in any said case, unless I specify otherwise.

Representative of Merchant (Victim)

SUBSCRIBED AND SWORN to before me this ____ day of _____, 20__.

Notary Public