

Layton City Police Dishonored Check Packet

Please read and answer the following questions before completing any paperwork.

1- Is the check in question a two party check? Yes No

2- Is the check in question post-dated, have a hold on it or backdated? Yes No

3- Have you received a partial payment for the check in question? Yes No

4- Was the check in question issued as payment for a pre-existing debt? Yes No

- *If you have answered yes to any of questions 1-4, the Layton Police Department will not investigate the matter, as the situation is not criminal but civil in nature. The Second District Court, 425 N. Wasatch Drive, Layton, Utah, 444-4300, has information regarding civil proceedings.*

5- Was the check in question presented in Layton City? Yes No

- *If the answer to question #5 is no, Layton City has no jurisdiction to prosecute this matter. The report should be filed in the jurisdiction where the check was written.*

Do not file this check packet if any of the above is applicable, as no action can be taken by the Layton Police Department. If it is a civil matter, contact the Second District Court. If it is a criminal matter and in another jurisdiction, contact the appropriate Police agency.

6- Can the person who accepted the check in question, positively identify the suspect who presented the check? Yes No

7- Was a Utah driver's license or another form of picture identification presented when the check was accepted or did the person accepting the check personally know the suspect. Yes No

- *If the answer to either question #6 or #7 is no, criminal prosecution may not be possible. Merchants should make every effort to verify the identity of the person writing the check at the time it is presented.*
- *If the check qualifies for criminal Investigation, please proceed to the next page.*

Procedure for filing the Dishonored Check Packet

- 1- Fill out the form letter entitled, “Letter to Notify Defendant” and make a copy. (Letter is included in this packet) Mail one copy to the person who wrote the check at their last known address and retain a copy for yourself. Mail the letter “*registered* or *certified*”, with a return receipt requested and retain the receipt for your records. If payment is not received fourteen (14) days after the receipt of the letter, complete the following steps.
 - 2- Fill out the attached “Dishonored Check Report” completely and legibly (in ink).
 - 3- Photocopy the front and back of the check and retain the original check for your records.
 - 4- Bring the Dishonored Check Report, a photocopy of the check, (both front and back), a photocopy of the registered mail receipt and signature, along with any additional supporting documentation to the Police Department. An Officer will review the paper work and will determine if the Police Department will investigate the incident any further. If so, you will receive an incident number from the officer for your records.
- *Copies of the “Letter to Notify Defendant” and “Dishonored Check Report” are available on the Layton Police Website. (www.laytoncity.org)*

DATE: _____

DISHONORED CHECK REPORT

To assist us in determining if a criminal complaint can be issued, this form must be filled out completely.

CHECK INFORMATION

Date check was written:	Amount of check:	Check number :
Name of business/person the check was made out to:	Address of business/person the check was made out to:	

VICTIM INFORMATION

Name of business/person the check was made out to:	Phone number of business/person the check was made out to:
Address of business/person the check was made out to:	
Date of birth of person the check was made out to:	Driver's license number of person the check was made out to:

WITNESS INFORMATION

Name of person accepting the check:	Phone number of person accepting the check:
Address of person accepting the check:	
Date of birth of person accepting the check:	Driver's license number of person accepting the check:

BANK INFORMATION

Name of bank and branch the check was drawn on:	Bank account number for the check:
Address for the above listed bank:	

SUSPECT INFORMATION

Name of suspect if known:	Identification suspect used and number on identification:	
Height of suspect:	Weight of suspect:	Hair color of suspect:

SAMPLE OF LETTER TO NOTIFY DEFENDANT

Date of Letter _____

Name of person issuing check

Address of person issuing check

RE: NOTICE OF DISHONORED CHECK

Dear Mr./Mrs./Mz. _____

Your check drawn by you and made payable by you to _____ (name of store) in the amount of \$_____ has not been accepted for payment by _____ (name of bank, which is drawee bank designated on your check). This check is dated _____ and is numbered _____.

You are advised that unless you pay the amount of this check within **fourteen days** after receiving this notice, you may be ordered to pay the following additional amounts:

1. Cost of collecting the amount of the check, including an attorney's fee which will be set by the court; and
2. Interest on the amount of the check, which shall accrue at the statutory rate of interest per annum from the date of dishonor.

You are further advised that failure to pay within fourteen days may result in a criminal complaint charging you with issuing a fraudulent check, which is a violation of Utah Code, 76-6-505. A conviction under this section could result in a maximum sentence of a \$10,000 fine, and/or 1-15 years in prison, plus an order to pay restitution.

You are advised to make your payment to:

(Name and address of place to make payment)

By: _____
Signature of Person Mailing Notice

Layton Police Incident # _____