



This packet is to be utilized when reporting "Closed Account/Insufficient Funds" checks only. Do not utilize this packet when you are the recipient of a forged check. Forged checks are checks written by other than the account holder and without the permission of the account holder. To report a forgery, call the Woodbury County Sheriff's Office at 712.279.6510. A deputy sheriff will be dispatched.

No investigations will be conducted on any "Closed Account/Insufficient Funds" checks that are over 90 days. Nor will an investigation be conducted on "Closed Account/Insufficient Funds" checks which are less than \$100.00 in value.

Reporting Instructions

1. Complete the Notice & Demand form. Mail the original to the check writer by USPS Certified Mail/Return Receipt.
2. Photocopy both sides of the Return Receipt (green card) provided by the USPS after delivery has been attempted.
3. Photocopy the front and back of the "Closed Account/No Account" check.
4. Complete the Request for Prosecution form.

Do not send copies to the Woodbury County Sheriff's Office until the 10 day Notice & Demand has been sent and you have received no response and the 10 day period has expired.

5. Return to the Woodbury County Sheriff's Office the following:

Request for Prosecution form

Notice & Demand form

Photocopy of the front and back of the check

Photocopy of the front and back of the Return Receipt (green card)

It is necessary that you maintain all originals: i.e., the Check and the Return Receipt. These documents will be needed should this matter go to trial.

The Woodbury County Sheriff's Office recommends the use of a new inkless pad. This product is designed to aid in the identity of persons involved in the writing of bad checks, by fingerprint. The use of this product would greatly enhance identification of the writer and strengthen criminal prosecution. For further information concerning this product and its use, contact the Crime Prevention Unit at 712.279.6010 during regular business hours.

**NOTICE AND DEMAND FOR PAYMENT OF DISHONORED CHECK
(Certified Mail - Return Receipt Requested)**

You are hereby notified that Check Number _____ dated _____, 19 _____. Made payable to (business) _____, drawn on (bank) _____ of (town) _____, in the amount of \$ _____, bearing the signature of _____. has been returned unpaid with the notation that payment has been refused because of _____.

Your attention is called to the laws of the State of Iowa with reference to checks. Demand is hereby made for the payment of the above-mentioned check within ten (10) days after receipt of this notice, in accordance with Iowa law. If this check is not paid in full within the above time period, the holder of this check will seek criminal action through the Sioux City Police Department and Woodbury County Attorney's Office.

Extracts from the Iowa Criminal Code relating to issuance of Closed Account/Insufficient Fund checks and the penalty thereof.

714.1 Theft Defined.

A person commits theft when the person does any of the following:

Par (6) - Makes, utters, draws, delivers or gives any check, share draft, draft, or written order on any bank, credit union, person or corporation, and obtains property or service in exchange therefore, if the person knows that such check, share draft, draft or written order will not be paid when presented.

Whenever the drawee of such instrument was refused payment because of insufficient funds, and the maker has not paid the holder of the instrument the amount due within ten (10) days of the maker's receipt of notice from the holder that payment has been refused by the drawee, the court or jury may infer from such facts that the maker knew that the instrument would not be paid on presentation. Notice of refusal of payment shall be by certified mail, or be personal service in the manner prescribed for serving original notices.

Whenever the drawee of such instrument has refused payment because of the maker has no account with the drawee, the court or jury may infer from such facts that the maker knew that the instrument would not be paid on presentation.

714.2 Degrees of Theft.

(1) The theft of property valued at ten thousand dollars

(\$10,000) or more is theft in the first degree. Theft in the first degree is a Class "C" Felony.

(2) The theft of property valued at one thousand dollars (\$1,000) but not exceeding ten thousand dollars (\$10,000) in value is theft in the second degree. Theft in the second degree is a Class "D" Felony.

(3) The theft of property valued at five hundred dollars (\$500) but not exceeding one thousand dollars (\$1,000) in value is theft in the third degree. Theft in the third degree is an aggravated misdemeanor.

(4) The theft of property valued at two hundred (\$200) but not exceeding five hundred dollars (\$500) in value is theft in the fourth degree. Theft in the fourth degree is a serious misdemeanor.

(5) The theft of property not exceeding two hundred (\$200) in value is theft in the fifth degree. Theft in the fifth degree is a simple misdemeanor.

714.3 Value.

If money or property is stolen from the same person or location by two or more acts, or from different persons by two or more acts which occur in approximately the same location or time period so that the thefts are attributable to a single scheme, plan or conspiracy, these acts may be considered a single theft and the value may be the total value of the property stolen.

AFFIDAVIT OF SERVICE BY MAIL

I, _____, depose and state that on _____, 19 _____, I did send by U.S. Postal Service certified mail, return receipt requested, the attached Demand for Payment of Dishonored Check form upon the above-named person. By placing a true and correct copy thereof in an envelope addressed as follows:

which is the last known address of said individual (the address printed on the check) and depositing the same, with postage prepaid, in the United States Mails at _____, Iowa.

(Signature)

(Title)

(Business)

White (original) - Checkwriter

White-Police Department

Yellow-Police Department

Pink-Merchant's Copy

			Police Case Number	
Business Name		Business Address		Business Phone
Name of Person Reporting Incident		Home Address		Home Phone
Date of Birth	Social Security Number	Business Address		Business Phone
Name of Clerk/Person Accepting Check		Home Address		Home Phone
Date of Birth	Social Security Number	Business Address		Business Phone
Name on Check (Account Holder/s)		Address on Check		Phone on Check
Date of Birth	Social Security Number	Place of Employment		Business Phone
Amount of Check	Check Number	Date on Check	Account Number	
Name & Address of Bank Check Drawn On				
Name of Person Signing Check				
Items Received Goods _____ Services _____		Itemized List of Property or Services Rendered (Attach copy of invoice or receipt, if available)		
Person Who Accepted Check Must Mark Box A or B and Sign Below				
<input type="checkbox"/> A. I will testify that I accepted the above check from someone I know personally.				
<input type="checkbox"/> B. I will testify that I visually examined the check writer's photo ID and will testify that the person depicted in the photo ID is the same person who wrote the check.				
What form of ID was used?				
DL # _____ Expires _____ SSN # _____				
Suspect Descriptors: Race _____ Sex _____ Hgt _____ Wgt _____ Eyes _____ Hair _____				
Glasses _____ Tattoos/Scars _____				
Signature of Person Accepting Check:			Date:	
Transaction Witnessed by (Name)		Address	Soc. Sec. No.	Home Phone
1)				
2)				
3)				
Has Checkwriter been talked to? Yes _____ No _____ By Phone _____ In Person _____				
Name of Person who spoke with Checkwriter: _____				
Has 10 day demand notice been sent? Yes _____ No _____				
What was said: _____				

White – Police Department

Yellow – Police Department

Pink – Merchant's Copy