



POLICE DEPARTMENT

265 N. 200 East
St. George, UT 84770

BAD CHECK INSTRUCTIONS

POLICY ON FILING CRIMINAL CHARGES FOR ISSUING BAD CHECKS

NOTE: The following policy has been adopted by the Washington County Attorney's Office and the St. George City Attorney on filing criminal charges for issuing bad checks (Utah Code Ann. Section 76-6-505) Only if the following requirements (A-E) are met:

Term	Definition
Issuer	Person who Passed the Check
Drawee	Financial institution on which the check was drawn
AKA	Also Known As; any other names you go by
Home	Home Phone Number
Work	Work Phone Number
Resident	Are you a resident of Washington County
SSN	Social Security Number
DL	Driver License Number
State	State that Issued you your drivers license
DOB	Date of Birth

- A. There is probable cause that the issuer violated 76-6-505;
- B. There is a reasonable likelihood of conviction based on the admissible evidence;
- C. Filing criminal charges would be in the interest of justice;
- D. The check(s) does not fall into any of the following categories
 - 1. checks on which payment is stopped by the issuer due to a legitimate civil dispute;
 - 2. checks that are payment for future services which have not been rendered; and



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E. The following evidence is provided

1. a copy of both sides of the check(s) (note; the original check(s) should be kept by the victim or placed into evidence by the investigating officer);
2. the full name, address, and phone number of the person(s) who can testify about the refusal of the check;
3. the full name, address, and phone number of the suspect;
4. the full name, address, and phone number of the victim;
5. for violations of Section 76-6-505(1) (a check is issued, the issuer knows the check will not be paid, and the check is refused by the drawee):
 - a. the bank account history showing a definite pattern sufficient to prove knowledge that the check would not be paid (e.g., a small opening balance with numerous overdrafts and no attempt to cover; no-account checks (statutory presumption); or
 - b. other proof that the issuer knew the check would not be paid; and
 - c. the full name and address of the person(s) who can testify about the information referred in section 5a and 5b above; and
6. for violations of section 76-6-505(2) (a check is issued, the check is legally refused by the drawee, and the issuer fails to make good on the check within 14 days of receiving actual notice of the check's nonpayment):
 - a. a copy of the served demand letter;
 - b. the full name, address and phone number of the person who served the demand letter