

OFFICE OF THE COUNTY ATTORNEY
ARANSAS COUNTY, TEXAS



COUNTY ATTORNEY
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**HOT CHECKS
IN
ARANSAS COUNTY**

Goal:

Our goal is to bring about convictions for the offenses of theft by check and issuance of a bad check and gain restitution for the victim. Restitution cannot be obtained in every case, but the odds of collection can be greatly improved with your vigilance and help.

IF YOU RECEIVE A HOT CHECK, DO THIS:

1. Checks returned for account closed, lack of funds, or insufficient funds:

Send the attached Demand Letter by certified mail with return receipt requested, to the address shown on:

- (1) the check,
- (2) bank records, or
- (3) your records.

Keep a copy of the letter; if it is not paid in full within 15 days after the demand letter was mailed go to step 2 below. "Closed Account" may mean that the check writer has moved.

2. Call the County Attorney for appointment (361-790-0114).

A. Deadline: Call the County Attorney's office after 15 days from when the demand letter was mailed. **DO NOT DELAY!** If more than 30 days have elapsed, the check writer becomes more difficult to locate and there is less chance of restitution for you.

B. Bring to appointment:

- a. Original check
- b. Copy of the demand letter sent to the check writer; **if the letter is returned bring the unopened letter**, also.
- c. Name of person who actually received the check and their contact information.
- d. Copies of the invoice, work order, cash register receipt (if any exist) and any notes about the transaction and the check writer. (This information is not required but is always helpful.)

C. After meeting with the County Attorney: DO NOT ACCEPT FULL OR PARTIAL PAYMENT from the check writer. Payments must be made to the County Attorney after it is received by the County Attorney.

3. Action by County Attorney:

Once the required documents and information are received from you, a letter will be sent to the check writer demanding payment. If there is no response from the check writer within 10 days, we will file a criminal case of theft by check or issuance of a bad check. After the case is filed, the Aransas County Sheriff's Office will attempt to locate and arrest the check writer.

If you become aware of a new address for the check writer, you should call the County Attorney's Office to advise us immediately.

4. Restitution:

Upon receipt of payment from the check writer, funds will be distributed to you.

FREQUENTLY ASKED QUESTIONS

Worthless checks can be controlled with your help. If you have any questions, please call our HOT CHECK DIVISION at **(361) 790-0114** and ask for Melissa Daylong.

Question: Can I accept payments after the hot check has been filed with the County Attorney?

Answer: No. The check writer must make restitution through the County Attorney's Office after the check has entered the system.

Question: Can I file hot check charges if the check writer has made a partial payment?

Answer: Yes. Follow the same procedures described in "If You Receive a Hot Check, Do This #2."

Your contact person for hot checks is:

**Melissa Daylong
Assistant County Attorney
301 N. Live Oak St. #107A
Rockport, Texas 78382
361-790-0114**

DEMAND LETTER

Certification #: _____

Date: _____.

To: _____.

_____.

_____.

This letter represents your official notice, under the Texas Penal Code Sec. 31.06 and 32.41, that your check has been returned by your financial institution because account closed, lack of funds or insufficient funds.

BANK/CREDIT UNION	_____
CHECK PAYABLE TO	_____
CHECK AMOUNT	_____
DATE OF CHECK	_____
CHECK NUMBER	_____

This is a demand for payment in full for a check or order not paid because of a lack of funds or insufficient funds. If you fail to make **payment in full within 10 days after the date of receipt of this notice**, the failure to pay creates a presumption for committing an offense, and this matter may be referred for criminal prosecution.

You also owe an **additional \$30.00 processing fee** as authorized by Business & Commerce Code Sec. 3.506. Additional fees will be assessed by the Aransas County Attorney's Office Hot Check Division if referred for prosecution.

At this time you owe my business:

CHECK AMOUNT DUE:	\$ _____
PROCESSING FEE:	\$ _____
TOTAL AMOUNT DUE:	\$ _____

Hot Check Recipient

Send Cashiers Check or Money Order to:

_____.

_____.

_____.