

**Walworth County Sheriff's Office
Procedures on Insufficient or Closed Account Checks**

- A. The check must be for an immediate transaction such as merchandise, cash, or services at the time the check was received. **PAST CONSIDERATIONS, POST DATED, or CHARGE ACCOUNT** checks are not criminal offenses and must be treated as civil debt actions. Contact your attorney or the Clerk of Courts for proceeding with a small claims action.
- B. **ALL BAD CHECKS PROSECUTED IN WALWORTH COUNTY MUST HAVE BEEN RECEIVED IN WALWORTH COUNTY.**

INSTRUCTION FOR PLAINTIFFS IN BAD CHECK CASES:

1. When a check is taken, the person taking it **MUST** obtain proof of the person's identification. The check writer **MUST** present a photo driver's license, state issued photo ID or properly obtained check cashing card. Social Security cards and student ID's are not acceptable forms of identification.
2. The person who takes the check must see the ID and physically compare it with the presenter and write down the Driver's License Number or ID number on the check.
3. The plaintiff must write a letter to the passer of the check, giving the person five days notice to make the check good or make arrangements to do so. A sample wording of the letter can be as follows:

Dear _____; _____ date _____

This letter constitutes the statutory notice that the above check was not honored upon presentation at your bank, because of (insufficient funds/closed account). The check was drawn on name of bank, city, state, dated _____ in the sum of amount of check, check number.

Failure on your part to contact the undersigned within five days will leave me with no alternative but to proceed in the manner provided by law.

The penalty for issuing worthless checks as stated in Wisconsin Statutes 943.24 is:

(Under \$2,500) – A fine of not more than \$10,000 or imprisonment for not more than 9 months, or both.

(Over \$2,500) – A fine of not more than \$10,000 or imprisonment for not more than 3 years and 6 months, or both.

Very truly yours,

4. The letter must be sent **Certified – Returned Receipt Requested**. Either the letter will be returned by the Post Office marked "Undelivered" or you will receive the green certified receipt indicating who received the letter.
5. After five (5) days, if the individual has not contacted you, take the check **and the receipt for the letter** to your local police department or the Sheriff's Office for processing. You will be asked to complete a form giving details on the check.
6. If you have any questions regarding this procedure, contact your local police department, the Sheriff's Office, or the District Attorney's Office.