



Case File Number: _____

Eagan Police Department

Reporting Worthless & Dishonored Checks

Procedure Packet

The information contained in this packet is needed for the effective investigation and prosecution of dishonored checks. Please be sure the check was received by you in the City of Eagan.

If you have received a dishonored check, fill out this form completely before returning this to the Eagan Police Department. This packet is for worthless, NSF, dishonored checks only.

Please answer all questions:

- | | YES | NO |
|--|------------|-----------|
| 1. Was a state issued driver's license or ID card used to verify the identity of the check writer? | _____ | _____ |
| 2. Does the above number appear on the check? | _____ | _____ |
| 3. Does the writer's First, Middle, and Last Name appear on the check? | _____ | _____ |
| 4. Does the writer's date of birth appear on the check? | _____ | _____ |
| 5. Does the writer's current address appear on the check? | _____ | _____ |
| 6. Is this a Minnesota address? | _____ | _____ |
| 7. Did the person accepting this check witness the check writer fill out and sign it? | _____ | _____ |
| 8. Did the person accepting this check verify all of the information and initial it? | _____ | _____ |
| 9. Will the person accepting this check be available to testify, in court, to the above information? | _____ | _____ |
| 10. If this is an NSF check, was it presented to the bank twice? | _____ | _____ |
| 11. Was a 'Demand for Payment' mailed to the check writer? | _____ | _____ |
| 12. Is a copy of the 'Demand' attached to the report? | _____ | _____ |
| 13. Has a minimum of 5 days elapsed since the 'Demand' was served? | _____ | _____ |
| 14. Was this check accepted in the City of Eagan? | _____ | _____ |
| 15. Was this check accepted for merchandise or a service rendered at the time the check was written? | _____ | _____ |
| 16. Was a 'Service Charge Notice' posted when the check was issued (for businesses)? | _____ | _____ |

If any questions were answered with a 'NO', we cannot accept this case. Please consider civil action through the Dakota County Courts system or contact a private collection agency or attorney. If all answers were 'YES', continue to the next page.

Please answer all questions:

	YES	NO
17. Was this check accepted by mail?	_____	_____
18. Is this an out of state check? (check writer or bank)	_____	_____
19. Is this a two (or more) party check?	_____	_____
20. Was this check dated for a date other than the date that it was written?	_____	_____
21. Was this check a partial payment or a part of a credit agreement?	_____	_____
22. Was this check written for a past consideration?	_____	_____
23. Was this a rent check?	_____	_____
24. Was this check written to cover another dishonored check?	_____	_____
25. Is this a 'payment stopped' check?	_____	_____
26. Has the writer of this check made a partial payment to you for this check?	_____	_____
27. Was this check written more than 90 days ago?	_____	_____

If any questions were answered with a 'YES', we cannot accept this case. Please consider civil action through the Dakota County Courts system or contact a private collection agency or attorney.

If all answers were 'NO', contact the Eagan Police Department and submit the following:

- **The check(s)**
- **Bank information showing the NSF status**
- **A copy of the 'Notice and Demand for Payment'**
- **The 'Affidavit of Service' if used**
- **A copy of the certificate of certified service or returned letter**
- **Any correspondence with the bank or check writer.**



EAGAN POLICE DEPARTMENT
3830 Pilot Knob Road
Eagan, MN 55122
(651) 675-5700

NOTICE AND DEMAND FOR PAYMENT OF DISHONORED CHECK

_____, you are hereby notified that Check No. _____
dated _____, 20 ____, drawn on the _____ 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 Minnesota with reference to checks, extracts of which laws appear below, and demand is hereby made for the payment of the above mentioned check in accordance with law.

Remit to: _____

Address: _____

Date _____

609.535 ISSUANCE OF DISHONORED CHECKS.

Subd. 2. Acts constituting.

Whoever issues a check which, at the time of issuance, the issuer intends shall not be paid, is guilty of issuing a dishonored check and may be sentenced as provided in subdivision 2a. In addition, restitution may be ordered by the court.

Subd. 2a. Penalties.

(a) A person who is convicted of issuing a dishonored check under subdivision 2 may be sentenced as follows:

(1) to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the value of the dishonored check, or checks aggregated under paragraph (b), is more than \$500;

(2) to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the value of the dishonored check, or checks aggregated under paragraph (b), is more than \$250 but not more than \$500; or

(3) to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both, if the value of the dishonored check, or checks aggregated under paragraph (b), is not more than \$250.

(b) In a prosecution under this subdivision, the value of dishonored checks issued by the defendant in violation of this subdivision within any six-month period may be aggregated and the defendant charged accordingly...

Subd. 3. Proof of intent.

Any of the following is evidence sufficient to sustain a finding that the person at the time the person issued the check intended it should not be paid:

- (1) proof that, at the time of issuance, the issuer did not have an account with the drawee;
- (2) proof that, at the time of issuance, the issuer did not have sufficient funds or credit with the drawee and that the issuer failed to pay the check within five business days after mailing of notice of nonpayment or dishonor as provided in this subdivision; or
- (3) proof that, when presentment was made within a reasonable time, the issuer did not have sufficient funds or credit with the drawee and that the issuer failed to pay the check within five business days after mailing of notice of nonpayment or dishonor as provided in this subdivision.

Notice of nonpayment or dishonor that includes a citation to and a description of the penalties in this section shall be sent by the payee or holder of the check to the maker or drawer by certified mail, return receipt requested, or by regular mail, supported by an affidavit of service by mailing, to the address printed on the check. Refusal by the maker or drawer of the check to accept certified mail notice or failure to claim certified or regular mail notice is not a defense that notice was not received.

The notice may state that unless the check is paid in full within five business days after mailing of the notice of nonpayment or dishonor, the payee or holder of the check will or may refer the matter to proper authorities for prosecution under this section.

An affidavit of service by mailing shall be retained by the payee or holder of the check.

Subd. 5. Exceptions.

This section does not apply to a postdated check or to a check given for a past consideration, except a payroll check or a check issued to a fund for employee benefits.

**AFFIDAVIT OF SERVICE
ISSUANCE OF WORTHLESS CHECK**

The Undersigned is the recipient of a worthless check, or the agent of the corporation, partnership or proprietorship to whom the worthless check was issued and is in charge of the records of said corporation, partnership, or proprietorship, and hereby certifies as follows:

1. That the attached is a true and correct copy of the Notice of Nonpayment or Dishonor.
2. That the original Notice of Nonpayment and Dishonor was deposited in the United States Mail at the Post Office or a marked mailbox in the City of _____ on the _____ day of _____, 20____, provided by Minnesota Statutes Section 609.535, which original was properly enveloped, sealed, postage prepaid thereon and directed to the person named on the worthless check at the address shown on the worthless check (and the last known address of said person being _____).

3. That the Notice of Nonpayment or Dishonor was returned to the sender as undeliverable or unaccepted.

OR

3. The Notice of Nonpayment or Dishonor was not returned to the sender by the postal authorities as undeliverable, nor was it returned to the sender for any other reason.

(Strike the paragraph #3 that is not applicable)

4. That the person shown on the check has failed to pay the check or other order within five (5) business days after the date of mailing of the Notice of Nonpayment or Dishonor.

(Signature/Office Held)

Subscribed and sworn to before me this
____ day of _____, 20____.

Notary Public