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WORTHLESS CHECK PROGRAM

Procedure Prior to Accepting Any Checks:

The following procedures **MUST** be followed prior to accepting a check in exchange for anything of value. "Anything of Value" includes money, property, services, goods, wares and lodging. If this procedure is not followed, the District Attorney's Office may decline the case due to insufficient evidence.

Review:

The merchant or representative must always ask to see photo identification (photo driver license, military ID, etc.) and the merchant must ensure that the check writer and the photo identification are the same person.

Record:

The driver's license number, date of birth, and/or social security number must be recorded on the check by the cashier.

Verify:

The address provided on the check must be verified against the address on the driver's license to make sure they are the same and the clerk must place his/her initials next to the address on the check to show verification. If the address on the check is not the current address, the current address must be written on the check. The check writer's signature on the issued check must be compared to the signature on the identification to ensure they are comparable. To make certain the signature was reviewed, the cashier should initial above the signature to show verification.

**The above procedures must always be followed as a business practice so a witness will be able to testify in court that he/she knows positively, that all steps were followed.*

Procedure After Receipt of a Worthless Check:

Notice:

Notice must be provided to check writer that their check has not been honored. Notice should be sent by certified mail - return receipt request, to the address furnished by the check writer on the check. The notice shall provide ten (10) days for the check writer to pay. This period of time dates from the mailing of the certified letter, not the date of receipt by the check writer.

Forward:

If after expiration of the ten (10) day waiting period, the check writer has not paid, then those checks written in Dona Ana County should be sent or delivered to the Third Judicial District Attorney's Office - Worth Check Program, 845 N. Motel Blvd., Suite D, Las Cruces, NM 88007. When presenting a worthless check for processing and prosecution, please provide:

1. The original check;
2. The certified mail receipt;
3. A copy of the notice;
4. Complaint form; and
5. List the name and contact information of the clerk who received the original check.

Please remember, once a check is referred to the District Attorney's Office, you cannot accept monies from the check writer. Check writers must be referred to the District Attorney's Office. The checks received by the District Attorney's Office with the appropriate accompanying documentation will be processed. Worthless check writers will be contacted for collection to make payment, to include the certified mail costs you have incurred. If payment is not received, the case will be referred to law enforcement for any additional investigation, the case will then be processed for prosecution.

Questions or Concerns?

Should you have any questions or concerns regarding the Worthless Check Program including procedure or status of a pending check, please contact (575) 524-6370.