

Check Enforcement Frequently Asked Questions

Victim FAQs

1. What should I do if I get a bad check?

If you or your business has received a bad check in exchange for goods or services, fill out a **Crime Report** (first time victims only), attach the bad check to a completed **Witness Form** (use a separate form for each bad check), and mail or deliver these materials to our office: Pinal County Attorney's Office, Bad Check Program, PO Box #887 Florence, AZ 85132. If there is sufficient evidence to prove the ID of the check writers, we will take action — including criminal prosecution — to collect the funds you are owed from the bad check writer **plus a \$25 merchant fee at no cost to you.**

2. What types of checks are NOT handled by the program?

We can only handle checks where the check writer's identity can be proven. There are also other types of cases that are not handled by the Bad Check Program, such as:

- **Stale Checks:** Checks that are older than 180 days past the date issued are considered stale and usually are declined. It is preferable that all checks are submitted as promptly as possible.
- **Postdated Checks:** These types of checks are considered an extension of credit and are inappropriate for prosecution under Arizona law.
- **Credit Card Accounts**
- **Traveler's Checks**
- **Health Savings Accounts**
- Checks issued, passed or accepted in **another county or state.**
- Any check for which **partial payment** has been accepted. Acceptance of a partial payment constitutes extension of credit or a loan, resulting in a civil defense.
- Checks with illegible, forged, dual or stamped signatures
- Checks that involve civil disputes

3. What happens to the bad check writer?

Most "first time" bad check writers will be provided an opportunity to avoid prosecution by payment of full restitution and state mandated fees. If the check writer does not make full restitution, and if sufficient evidence for criminal charges is available, criminal prosecution may be initiated. If the check writer is a repeat offender, or if evidence exists of intent to defraud from the beginning, the County Attorney will attempt to prosecute.

Bad check writers face a maximum penalty of 6 months in jail for each bad check; \$2,500 in fines, restitution up to twice the amount of the check; and state mandated collection fees pursuant to A.R.S §13-1807 and §13-1810.

4. What else can I do to recover funds from a bad check?

We encourage the victims to contact the check writer to resolve the issue of non-payment. We have provided "Demand for Payment" guidelines and example letters you can mail to the check writer. This should be taken prior to contacting the Bad Check Program.

For more in-depth information about the Bad Check Program - read our [guidebook](#).

5. What if I receive payment after submitting a check to the program?

Once a check has been submitted to the Bad Check Program, do not accept payment for the check! Any money sent to you by the check writer should be immediately returned to the check writer or forwarded to the Bad Check Program with a note asking that the money be applied to your specific case.

Bad Check Writer FAQs

1. I'm the check writer - how do I take care of this?

Writing a bad check may result in criminal charges filed, a summons to court, warrant for your arrest and having a permanent record of being a bad check writer. The Bad Check Program offers you, the check writer, the opportunity to divert this matter from going to court. If the balance is paid in full before criminal charges are filed, then this offense will not go on your permanent record.

Payments can be mailed into the Pinal County Attorney's Office, Bad Check Program, PO Box #887, Florence, AZ 85132

We only accept money orders or cashier's checks. Include your Personal ID (PID) number on all forms of payment. A receipt will be given or mailed to you showing the payment was received and your account credited. **Do not** pay the merchant(s), or the person(s) to whom the check was originally written.

2. I cannot make the full payment at this time. Does your office offer payment options?

Yes. As long as our office has not filed a criminal case against you and this is your first bad check, we offer the option of Diversion. Contact our office to set up a time to come in and sign the Diversion paperwork. Signing the Diversion agreement will set you up on a 6 month payment plan until the amount owed is paid in full. A signed Diversion agreement is a document admitting to the crime, but gives you the opportunity to resolve the matter without going to court, as long as payments are made monthly. If one payment is missed, your case will automatically be sent to court and criminal charges may be brought against you.

3. A case has been filed against me, how do I resolve this?

You may have a warrant out for your arrest. You have the following options:

- You can pay off the entire balance owed to the Bad Check Program. After the office receives payment in full, the Program will send a dismissal to the Justice Court your case is filed in. You should also contact the Justice Court, as the courts impose their own fines and fees per case.
- Enter into Diversion, pay restitution in full along with all fee's within the 6 month time frame. Complete 20 hours of community service. The program will send a dismissal to the Justice Court your case is filed in. You should also contact the Justice Court, as the courts impose their own fines and fees per case.

4. I received your letter, but I have been the victim of identity theft. How do I resolve this with your office?

Contact our office to let us know you will be submitting the following paperwork verifying that you were the victim of identity theft: police report, notarized letter from your banking institution and any additional information you have received regarding your ID theft. All information must be submitted to our office in a timely manner. We will have a detective review the information for accuracy. You may be required to come into the office to sign an affidavit of forgery. Until you provide the information requested, via email, fax or mail and is verified we will still show this as an open case.