

16TH Judicial District Attorney's Office
Parishes of Iberia, St. Mary, & St. Martin

M. Bofill Duhé



Worthless Check Department
Guidelines/Forms for Victims and Merchants

What is a Worthless Check?

Under Louisiana Law, a worthless check is a check given by a person who intends to defraud another person at the time the check is given. The primary legal concept behind our worthless check law is that at the time of this transaction, the person issuing the worthless check knew that he or she had insufficient funds in the bank to cover the amount of the check. That is why our check department can only accept checks that have been marked by the bank as “NSF”, “INSUFFICIENT FUNDS”, or “ACCOUNT CLOSED”.

Other checks may still give rise to the criminal prosecution but those checks require additional investigation to prove the act(s) of fraud, theft, or monetary instrument abuse. Before they can be prosecuted additional evidence must be collected by local law enforcement agencies, such as the Sheriff or Police.

“It always happens to the other person” is not always true. You could be the victim of one of today's most numerous crimes - worthless checks. The purpose of this web page is to alert, educate and assure you that this office will do everything possible to recover your loss from being a victim of a worthless check writer.

I hope the information you are about to read assists you. Alert and knowledgeable citizens are the first defense against all crimes particularly worthless checks. If you have any questions, contact my office at the numbers shown on this web page.

Don't let worthless checks get the best of you and your bottom line. This crime can be controlled, but only with your help."

- M. Bofill Duhé

What to look for when being presented with a check:

It is important that you create a check policy within your business and stress to your employees the importance of being thorough when accepting a check. If your business has a set policy for all customers, then no one should have any reason to feel that they are being treated unfairly. It is a good idea to post a “checklist” where your employees can see it easily.

- **Is the check dated today?**

Checks must be dated the same day they are written. A pre-dated check, posted date check, or check without a date is not prosecutable. A check that is “held” by you or your business cannot be prosecuted.

- **Always demand identification.**

Under banking regulations and criminal law, the burden is on the merchant to verify the identity of the signer. Record the identification presented and record which of your employees accepted it. (A Louisiana driver’s license is your best protection – it contains a photograph and a signature for you to use in comparison to the check writer.

- **Record all information on the front.**

All information collected should be recorded on the front of the check. Driver’s license number, date of birth, phone number, and initials of employee accepting the check are just some examples of the information that should be recorded. Collecting and recording all of this information is viable in the collection or prosecution of the check.

- **Is the address correct?**

Require a permanent street address, not a Post Office box number. Remember the sheriff’s office may have to serve a warrant on this person. NO ONE LIVES AT A POST OFFICE BOX.

- **Consider the check number.**

Most fraudulent checks are written on new accounts, less than 1 year old. Be careful when taking low numbered checks as these may indicate a new account. Some banks now print the date the account was opened under the Dollar line.

- **Is the signature legible?**

DO NOT accept checks that are previously signed. Have the person writing the check sign the check in your presence. Confirm the signature on the personal identification with the signature on the check.

- **Does written dollar amount and numbers correspond?**

The banks will not honor checks with discrepancies such as dollar amounts, scratch outs, etc. and our office will not be able to prosecute a check with discrepancies.