

**UINTA COUNTY, WYOMING  
DATASHEET  
NSF/ACCOUNT CLOSED CHECK REPORTING PACKET**

**Agency** \_\_\_\_\_

**Case Number** \_\_\_\_\_

**Deputy/Officer** \_\_\_\_\_

**Contact Numbers:**

**Uinta County S.O. 783-1000**

**Evanston P.D. 789-8072**

**Mountain View P.D. 782-3100**

**Lyman P.D. 787-6500**

**INSTRUCTIONS:** (Please follow the information packet carefully. No checks will be accepted for prosecution without this form being completed in full.

**Note:** It should be known that the primary focus of criminal prosecution for check fraud is punishment with reimbursement being a secondary result. If your primary concern is for the collection of monies owed, civil remedies should be exhausted first.

**Part I**

1. Checks older than sixty days will not be accepted for prosecution unless civil remedies were initiated within a 60 day period and proved to be unsuccessful.
2. Checks written for less than one hundred dollars (\$100.00) will not be accepted for prosecution unless the civil remedies as outlined in Wyoming State Statute 1-1-115 (see attached) have proved to be unsuccessful and extenuating circumstances exist.
3. Bad checks will be prosecuted in the county or city within the check was written and passed. If the check was written and passed outside of Uinta County, contact the authorities of that county in which this occurred.
4. Checks are accepted for criminal prosecution only, not civil. The original check must be submitted before prosecution can begin. The check will not be returned until the prosecution is completed or the matter is dismissed.
5. This report must be completed legibly; please print or type.

6. Checks stamped "closed account" will be prosecuted under the appropriate circumstances. The mailing of the certified mail notice is still required.
7. Post dated checks, checks with payment stopped or checks which you agreed to hold before cashing cannot be prosecuted under Wyoming State Law.
8. A five (5) day statutory demand notice, included in packet, must be sent to the passer in each check case by certified mail with return receipt requested. (Keep a copy of this letter). Attempts should also be made to make personal face to face contact with the passer concerning the check, document your efforts. Only submit this form and the check for prosecution for those you are sure have intended to defraud you. You must also be willing to participate in the entire prosecution process even if the passer attempts to pay off the check in the future.
9. Use one (1) report form for each check submitted for prosecution.
10. When submitting this form, attach the original check, a copy of the demand notice letter sent to the passer and the certified letter return receipt showing it's delivery or non-delivery. This form should be signed by the owner, a manager or assistant manager.
11. Please return the form and required documents to the Deputy/Officer or agency listed on the cover sheet. This will be the agency within the check was passed or written. Checks written in the cities of Evanston, Lyman, or Mountain View shall be submitted to those respective Police Departments. For those written or received outside those cities, but still within Uinta County, shall be submitted to the Uinta County Sheriffs Department or a Deputy Sheriff.
12. Upon receiving the form and documents, the appropriate agencies representative will complete an affidavit and forward it to the proper courts for a criminal subpoena or warrant for arrest.
13. If the check is for less than \$500.00, misdemeanor charges will be sought against the passer. If the check is for more than \$500.00, felony charges will be sought. (See the attached copy of Wyoming State Statute 6-3-702 for further information on the possible crime and punishment for check fraud.

1 -1 -115. Civil liability for unpaid checks.

- (a) Any person who issues a check which is not paid because the check has been dishonored for any reason has thirty (30) days following the date of a written demand mailed to the drawer of the check by United States postal service certificate of mailing at the address shown on the check or his last known address or personally served pursuant to the Wyoming Rules of Civil Procedure, to pay to the holder of the check the amount of the check and a collection fee not to exceed thirty dollars (\$30.00). The demand shall state that the drawer is required to pay the value of the check and the collection fee demanded and shall state the collection fee provided for in this section.
- (b) Any person who fails to pay the amount of the check and the collection fee as set forth in subsection (a) of this section within thirty (30) days following the date of a written demand, mailed to or served on the drawer in accordance with subsection (a) of this section, is liable to the holder of the check for three (3) times the amount of the check, but in no case less than one hundred dollars (\$100.00), a collection fee of thirty dollars (\$30.00), and court costs.
- (c) In extraordinary cases, including cases in which the court determines that the party who wrote the check has raised dilatory or bad faith defenses, the court may award the prevailing party reasonable attorney fees.
- (d) Nothing in this section shall prevent the criminal prosecution of the person who issues the check. However, any payment made by the defendant to a victim pursuant to an order for restitution entered in a criminal case pursuant to W.S. 7 -9 -101 through 7 -9 -112 or 6 -3 -704(b), shall be set off against any judgment in favor of the victim in a civil action brought under this section arising out of the same facts or event.
- (e) A cause of action under this section may be brought in small claims court, if the amount of the demand does not exceed the jurisdiction of that court, or in any other appropriate court.
- (f) As used in this section, "check," "drawee," "drawer" and "issue" have the same meaning as defined in W.S. 6 -3 -701.

6-3-702. Fraud by check; penalties.

(a) Any person who knowingly issues a check which is not paid because the drawer has insufficient funds or credit with the drawee has issued a fraudulent check and commits fraud by check.

(b) Fraud by check is:

(i) A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if the fraudulent check was for a sum of less than five hundred dollars (\$500.00); or

(ii) Repealed by Laws 1984, ch. 44, §§ 3.

(iii) A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both, if the fraudulent check was for the sum of five hundred dollars (\$500.00) or more, or if the offender is convicted of fraud by check involving two (2) or more checks issued within any sixty (60) day period in the state of Wyoming totaling five hundred dollars (\$500.00) or more in the aggregate.

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

YOU ARE HEREBY NOTIFIED that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, you issued a check to \_\_\_\_\_ in the amount of \$\_\_\_\_\_, and that upon (Business or individual)  
presentment of payment thereof to the bank known as \_\_\_\_\_, in (Passer's bank)  
the city of \_\_\_\_\_, state of \_\_\_\_\_, said check was returned and marked as follows:

INSUFFICIENT FUNDS (NSF)

ACCOUNT CLOSED

This form has been provided to the undersigned by the Uinta County Law Enforcement Agencies and their respective Prosecuting Attorneys. Its purpose is to notify you as provided in Wyoming State Statute 6-3-702 (a) that your check has been dishonored upon presentment to the above listed bank. Presentment was made in a reasonable time and you the issuer did not have sufficient funds with said bank to cover the amount listed on the check. If you fail to pay said check within five (5) days after receipt of this notice, criminal prosecution will proceed. The potential penalties are as follows: Checks written for less than five hundred dollars (\$500.00) is a misdemeanor that is punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00) or both. Checks written for five hundred dollars (\$500.00) or more, or two (2) checks issued within a sixty (60) day period that together are five hundred dollars (\$500.00) or more, is a felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00) or both.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Name and address of complainant: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TO BE COMPLETED BY PERSON MAKING REPORT**

**Part II**

1. Please specify what steps you or your employees have taken to contact the passer in an attempt to recover your loss?

(a) Was the passer contacted?      YES      NO      If yes,

By whom? \_\_\_\_\_

When? \_\_\_\_\_

Where? \_\_\_\_\_

How? \_\_\_\_\_

Results: \_\_\_\_\_

\_\_\_\_\_

2. Has the passer attempted to make restitution?      YES      NO

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

3. Have you successfully served the five (5) day statutory request for payment on the passer?

YES      NO

If yes, how?      Certified Mail      Personal Service

If no, why? \_\_\_\_\_

4. Do you feel that you have exhausted your ability to collect the monies owed to you as listed on the passed check?      YES      NO

5. Have you retained an attorney, filed a small claims action or turned this matter over to a collection agency in an attempt to collect the monies owed? YES NO

If yes, list to whom, when and results: \_\_\_\_\_

\_\_\_\_\_

6. Are you aware of any other bad checks that the passer may have written locally? YES NO If yes, to whom? \_\_\_\_\_

7. Have you received a check from the passer on other occasions? YES NO  
If yes, were they bad checks? YES NO If yes; please give details: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. Please indicate on the reverse side of this form any other information that you feel would help in locating and prosecuting this person for check fraud.

The decision to prosecute will be made by the respective agency and their respective Prosecuting Attorney's Office. Factors that will be taken into account on the decision to prosecute include the intent to defraud, individuals check writing history and available bank records evidence. Criminal prosecution does not guarantee restitution, as prosecution is designed to punish, not to collect debts. If you agree to the prosecution of the defendant, you cannot drop the charge if he/she offers to pay the check. If a criminal case cannot be proven; the check will be returned to you upon request.

I hereby understand and agree that all information contained in this report is to be used by and disseminated to the respective Law Enforcement Agency and appropriate Prosecuting Attorney's Office. I also understand and agree that this check is being submitted for criminal prosecution and that if charges are filed it will be required by law for those persons having knowledge of the listed facts to appear and testify in court.

I hereby certify that no one has accepted full or partial restitution for this particular check as of this date, and I further agree to not accept restitution without first conferring with the assigned Prosecuting Office.

I hereby certify that I have read and understand the directions for these forms and that all the facts herein are to the best of my knowledge true, accurate and complete.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Signature of person making report:

\_\_\_\_\_

## REPORT

### PART III

1. Business name: \_\_\_\_\_
2. Business address: \_\_\_\_\_ Business phone: \_\_\_\_\_
3. Person making report: \_\_\_\_\_ Job Title: \_\_\_\_\_  
Home Address: \_\_\_\_\_ Home phone: \_\_\_\_\_
4. Full address of business, branch or place where check was accepted if different than above: \_\_\_\_\_
5. Name of bank: \_\_\_\_\_ Check & Account Number \_\_\_\_\_
6. Amount of check: \_\_\_\_\_ Date check was accepted: \_\_\_\_\_
7. Name of person who presented the check if other than writer: \_\_\_\_\_

**The following must be completed by the person who actually accepted the check.**

1. Your name: \_\_\_\_\_ Home phone: \_\_\_\_\_  
Home address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_
2. Description of passer:      Race: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_ Ht. \_\_\_\_\_ Wt: \_\_\_\_\_  
Hair Color & Length: \_\_\_\_\_  
Any outstanding/identifying features: \_\_\_\_\_
3. Passer's name : \_\_\_\_\_  
Passer's place of employment: \_\_\_\_\_  
Passer's Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Passer's Driver's License Number: \_\_\_\_\_ State: \_\_\_\_\_  
Other I.D. used: \_\_\_\_\_

4. Description of automobile passer was driving (if any): Make: \_\_\_\_\_

Model: \_\_\_\_\_ Color: \_\_\_\_\_ License Number: \_\_\_\_\_ State: \_\_\_\_\_

5. Description of person(s) who accompanied the passer, if any:

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6. Name & phone number of witnesses to this transaction:

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7. Do you recall this transaction? YES NO

8. Is the passer known to you? YES NO

If yes, how? \_\_\_\_\_

9. Can you positively identify the passer? YES NO

10. What did the passer obtain in exchange for the check?

(A) Credit for a bill? YES NO (C) Cash? YES NO Amount: \_\_\_\_\_

(B) Services? YES NO (D) Merchandise? YES NO

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Was the check post dated? YES NO

Did you consent to hold the check until a future date? YES NO

Did you see the passer write or endorse the check? YES NO

Did you initial, mark or write upon the check at the time you accepted it?

YES NO If yes, what? \_\_\_\_\_

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Signature of person who accepted check: \_\_\_\_\_

Printed names of person who accepted check: \_\_\_\_\_