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DATE: January 24, 2022
TO: Orleans County Law Enforcement
FROM: Jennifer Barrett, Esq.
SUBJECT: Orleans County State's Attorney Bad Check and Retail Theft Policy

Bad Checks

Prosecution:

The State's Attorney's Office will **not** accept a bad check for prosecution if:

1. The Complainant is unable to provide sufficient information to adequately identify the person who issued the check.
2. The ten day (10) written notice has not been sent out to the issuer.
3. The check was not presented to the bank for payment within thirty (30) days after issue.
4. The check was postdated.
5. The check is more than a year old.
6. The check was drawn on an out-of-state bank, unless the complainant is willing to pay the cost and expenses of bringing the out-of-state bank's bookkeeper to court and so states in writing.
7. Partial payment has been accepted on the check.
8. The check was received by the complainant through the mail.
9. The complainant took and held the check at the request of the issuer or passer for a period of time before presenting it.
10. The check is marked "payment stopped" unless complainant gave cash for the check or it was drawn on a nonexistent account.
11. The check is a "three-party" check, i.e., written to one person who in turn endorsed it to the complainant.

Complainant Procedure:

1. The complainant must have presented the check for payment within thirty (30) of receipt, even if the check is known to be "no good."

2. The complainant has notified the passer or issuer of the bad check in writing via certified mail, advising that the check was not honored and why and telling him or her that he or she has ten (10) days to pay.
3. The complainant must be able to provide the following to law enforcement:
 - a. Proof from the bank that the check was dishonored
 - b. A copy of the notice letter and certified mailing
 - c. The name and address of the person who accepted the check and the identity of the person who passed the bad check

Retail Theft

The Orleans County State's Attorney's Office will be prosecuting the retail theft cases as provided by 13 V.S.A. 2575. Please use your discretion and implement the pre-charge program when the offender has a limited record.

If you have any questions, please do not hesitate to call me,

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