



LEON A. CANNIZZARO, JR.
District Attorney for the Parish of Orleans ~ State of Louisiana

WORTHLESS CHECK PROCEDURES
LOUISIANA REVISED STATUTE 14:71

1. Checks must have been received in Orleans Parish and must have been in exchange for something of value, i.e., cash, services, merchandise, rent, etc.
2. Checks must have been processed by the bank in which it was drawn and subsequently stamped NSF, Account Closed, No Account, or notation indicating the reason the check was not honored.
3. Stop Payment, Post-Dated and Two-Party Checks are not covered by R.S. 14:71 but may be referred to an appropriate police agency or civil court.
4. Complete Identifying Information is required for prosecution, including the check issuer's address, driver's license number, date of birth, and any reliable identifying information.
5. A complaint involving a company or business check must be filed against the individual who actually signed the check.
6. You must send a certified letter, return receipt requested to the check issuer advising him/her of the dishonored check and allowing him/her ten (10) days in which to make payment.
7. You must furnish the signed certified letter return receipt for the correspondence (unopened) marked "refused" or "unclaimed."
8. Complaints may be filed in person or by mail to Orleans Parish District Attorney's Office, Worthless Check Unit, 619 So. White Street, New Orleans, LA 70119. Include a complete affidavit, the original check and the certified documentation returned by the Post Office.
9. You must notify this office of any changes to address or telephone number so that we can contact you when necessary.

Once the complaint has been filed, YOU MAY NOT ACCEPT PAYMENT FROM ACCUSED.



LEON A. CANNIZZARO, JR.
District Attorney for the Parish of Orleans ~ State of Louisiana

SAMPLE DEMAND LETTER

(This is Only A Sample)

Date

Check Writer's name
Address
City, State, Zip Code

Re: Demand Letter

Dear (Check Writer's Name):

Your issuance of check number (check numbers) in the amount of (dollar amount) may be a violation of Louisiana Revised Statute 14 article 71 relative to Issuing Worthless Checks. The check issued to (complainant's name) has been returned by the bank marked NSF, non-sufficient funds or account closed.

Please remit payment for the check, plus the NSF fee in the amount of \$25.00.

Failure to pay within ten (10) days shall be evidence of your intent to defraud; and a warrant for your arrest will be issued by the Office of the District Attorney.

Sincerely,

(Name)

619 SOUTH WHITE STREET
NEW ORLEANS, LOUISIANA 70119-7348
(504) 822-2414

**WORTHLESS CHECK AFFIDAVIT
STATE OF LOUISIANA - PARISH OF ORLEANS**

DA CASE NO: _____

DATE CASE ENTERED: _____

VICTIM INFORMATION:

INDIVIDUAL OR BUSINESS: _____

ADDRESS _____ CITY/STATE/ZIP _____ PHONE (H) _____ (W) _____ (C) _____

PERSON ISSUING CHECK:

NAME: _____ EMPLOYMENT: _____

ADDRESS _____ CITY/STATE/ZIP _____ PHONE (H) _____ (W) _____ (C) _____

DL # & STATE: _____ OTHER ID ISSUED: _____

SEX: _____ DATE OF BIRTH: _____ AGE: _____ HEIGHT: _____ WEIGHT: _____ HAIR: _____

FACTS ABOUT TRANSACTION:

PERSON ACCEPTING CHECK: _____

JOB TITLE: _____

ADDRESS _____ CITY/STATE/ZIP _____ PHONE (H) _____ (W) _____ (C) _____

PERSON MAKING REPORT: _____

JOB TITLE: _____

STREET ADDRESS _____ CITY/STATE/ZIP _____ PHONE (H) _____ (W) _____ (C) _____

ADDRESS WHERE CHECK(S) RECEIVED: _____

WAS CHECK(S) PRESENTED TO BANK WITHIN 30 DAYS OF RECEIPT? _____

DID ACCUSED WRITE CHECK(S) IN YOUR EMPLOYEE'S PRESENCE? _____

DID ACCUSED DELIVER CHECK(S) IN PERSON? _____ IF NOT, BY WHOM? _____

WHAT WAS CHECK GIVEN FOR?: _____

<u>Check #</u>	<u>Date Issued</u>	<u>Amount</u>	<u>Can Accused Be Identified</u>	<u>Check Given For Invoice #</u>	<u>How Dishonored</u>	<u>Purpose of Check</u>
_____	_____	_____	_____	_____	_____	Merchandise _____
_____	_____	_____	_____	_____	_____	Services _____
_____	_____	_____	_____	_____	_____	Other (specify) _____

CERTIFIED LETTER: ATTACH CERTIFIED DOCUMENTATION TO THIS FORM.

AGREEMENT OF PROSECUTE

I hereby swear or affirm that the above is true and correct to the best of my knowledge; that I personally received said check(s) or by virtue of my employment I have the authority to make this affidavit. I agree that, upon filing this complaint with the Orleans Parish District Attorney's Office, I will not accept any payments, directly or indirectly from the accused but will notify him/her to make restitution through the District Attorney's Office Worthless Check Unit. I understand that I must comply with this procedure in order to recover restitution and to protect myself and the Orleans Parish District Attorney's Office from any civil liability in the event an arrest warrant is issued for the accused. I further understand that the decision to prosecute in this matter will be solely within the discretion of the Orleans Parish District Attorney's Office and that the accused will be prosecuted according to the law.

Signature of Reporting Person

Print Name

Witness

Date

Time



Leon A. Cannizzaro Jr.
Orleans Parish
Worthless Check Division
619 South White
New Orleans, LA 70119
(504)571-2853

(SAMPLE LETTER SENT BY D.A. WCD)

9/7/2012

JOHN DOE
619 SO. WHITE ST .
NEW ORLEANS LA 70119

RE: File # CK-NO-120800000, one check(s) issued to **VICTIM NAME**

The above check(s) has been accepted as the basis of a criminal complaint under Louisiana Revised Statute 14:71.

You are receiving this letter prior to charges being filed and/or a warrant issued for your arrest. You have Ten (10) days from the date of this letter to pay the check PLUS NSF charges and District Attorney Fees as provided by Louisiana Revised Statute 16:15.

PURCHASE TWO SEPARATE MONEY ORDERS AS LISTED BELOW:

- | | |
|--|---|
| 1. Worthless Check(s) and NSF charge(s)
made Payable to:
<u>VICTIM NAME</u>
In the amount of: \$000.00 | 2. District Attorney Fees made Payable to:
OPDA
In the amount of: \$000.00 |
|--|---|

Cash, personal checks or partial payments **WILL NOT BE ACCEPTED**. Restitution is **NOT** to be made directly to the victim.

Payment maybe sent by mail to:

Worthless Check Section
619 South White St.
New Orleans, LA. 70119
(504)571-2853

PLEASE INCLUDE THIS LETTER WITH PAYMENT OR REFER TO YOUR FILE NUMBER.


Very truly yours,

ORLEANS PARISH
Worthless Check Division

7010 2780 0003 4410 5590

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

CERTIFIED MAIL™



7010 2780 0003 4410 5590

7010 2780 0003 4410 5590

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

To Be Completed At Postal Service In Order To Receive Return Receipt

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
1. Article Addressed to:	3. Service Type
2. Article Number (Transfer from service label)	<input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> G.O.D.
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Return To D.A. WCD with Other Paper Work For Filing

***Sample of Certified Mail Needed for Case
Preparation**

2014 Louisiana Laws

Revised Statutes

TITLE 14 - Criminal Law

RS 14:71 - Issuing worthless checks

Universal Citation: LA Rev Stat § 14:71

§71. Issuing worthless checks

A.(1)(a) Issuing worthless checks is the issuing, in exchange for anything of value, whether the exchange is contemporaneous or not, with intent to defraud, of any check, draft, or order for the payment of money upon any bank or other depository, knowing at the time of the issuing that the offender has not sufficient credit with the bank, or other depository for the payment of such check, draft, or order in full upon its presentation.

(b) This Section shall apply to a check, draft, or order tendered for satisfaction, in whole or in part, of payments due on installment contracts, open accounts, or any other obligation for which the creditor has authorized periodic payments or the extension of time in which to pay.

(c) This provision shall apply to a check, draft, or order for the payment of money given for a motor vehicle when such payment is conditioned upon delivery of documents necessary for transfer of a valid title to the purchaser.

(d) For purposes of this Section, an open account shall include accounts where checks are tendered as payment:

(i) In advance of receipt, in whole or in part, for telecommunication facilities or services.

(ii) For deposits, prepayments, or payments for the lease or rent of a rental motor vehicle, pursuant to a lease or rental agreement.

(e) This Section shall apply to a check, draft, or order tendered for satisfaction, in whole or in part, of a state tax obligation. For purposes of this Section, "state tax obligation" means a state tax, interest,

penalty, or fee, or any contract, installment agreement, or other obligation arising out of such obligation.

(f) For purposes of this Section, any check, draft, or order tendered for payment of any tax, fee, fine, penalty, or other obligation to the state or any of its political subdivisions shall be considered issuing a check, draft, or order in exchange for anything of value.

(2) The offender's failure to pay a check, draft, or order, issued for value, within ten days after notice of its nonpayment upon presentation has been deposited by certified mail in the United States mail system addressed to the issuer thereof either at the address shown on the instrument or the last known address for such person shown on the records of the bank upon which such instrument is drawn or within ten days after delivery or personal tender of the written notice to said issuer by the payee or his agent, shall be presumptive evidence of his intent to defraud.

B. Issuing worthless checks is also the issuing, in exchange for anything of value, whether the exchange is contemporaneous or not, with intent to defraud, of any check, draft, or order for the payment of money or the issuing of such an instrument for the payment of a state tax obligation, when the offender knows at the time of the issuing that the account designated on the check, draft, or order has been closed, or is nonexistent or fictitious, or is one in which the offender has no interest or on which he has no authority to issue such check, draft, or order.

C. Whoever commits the crime of issuing worthless checks, when the amount of the check or checks is one thousand five hundred dollars or more, shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than three thousand dollars, or both.

D. When the amount of the check or checks is five hundred dollars or more, but less than one thousand five hundred dollars, the offender shall be imprisoned, with or without hard labor, for not more than five years or may be fined not more than two thousand dollars, or both.

E. When the amount of the check or checks is less than five hundred dollars, the offender shall be imprisoned for not more than six months or may be fined not more than five hundred dollars, or both. If the offender in such cases has been convicted of issuing worthless checks two or more times previously, upon any subsequent conviction he shall be imprisoned, with or without hard labor, for not more than two years or be fined not more than one thousand dollars, or both.

F. When the offender has issued more than one worthless check within a one hundred eighty-day period, the amount of several or all worthless checks issued during that one hundred eighty-day period may be aggregated to determine the grade of the offense.

G. In addition to any other fine or penalty imposed under this Section, the court shall order as part of the sentence restitution in the amount of the check or checks, plus a fifteen dollar per check service charge payable to the person or entity that initially honored the worthless check or checks, an authorized collection agency, or justice of the peace. In the event the fifteen dollar per check service

§15. District attorney's worthless check collection fee

A. A district attorney may collect a fee whenever his office collects and processes a check, draft, or order for the payment of money upon any bank or other depository, if the check, draft, or order for payment of money on any bank or depository:

(1) Has been issued in a manner which makes the issuance an offense under R.S. 14:71;

or

(2) Has been forged under R.S. 14:72.

B. The district attorney may collect the fee authorized by this Section from any person who is a principal to the offense described in Subsection A of this Section.

C. The amount of the fee shall not exceed:

(1) Fifteen dollars, if the face amount of the check, draft, or order for the payment of money does not exceed fifteen dollars.

(2) Thirty-five dollars, if the face amount of the check, draft, or order for the payment of money is greater than fifteen dollars but does not exceed one hundred dollars.

(3) Seventy-five dollars, if the face amount of the check, draft, or order for the payment of money is greater than one hundred dollars but does not exceed three hundred dollars.

(4) One hundred twenty-five dollars, if the face amount of the check, draft, or order for the payment of money is greater than three hundred dollars but does not exceed five hundred dollars.

(5) One hundred seventy-five dollars or twenty percent, whichever amount is greater, if the face amount of the check, draft, or order for the payment of money is greater than five hundred dollars.

D. If the person from whom the fee is collected was a principal to the offense of forgery, under R.S. 14:72, committed by altering the face amount of the check, draft, or order for the payment of money, the face amount as altered governs for the purpose of determining the amount of the fee.

E. Fees collected under this Section shall be deposited in a special fund to be administered by the district attorney. Expenditures from this fund shall be at the sole discretion of the district attorney and may be used only to defray the salaries and expenses of the office of the district attorney, but in no event may the district attorney supplement his or her own salary from this fund. Nothing in this Section shall be construed to decrease the total salaries, expenses, and allowances which the office of a district attorney is receiving at the time this Section takes effect.

F. Notwithstanding the provisions of Subsection E of this Section, in addition to the fees collected as provided in Subsection C of this Section, the district attorney shall collect a fee of twenty-five dollars per worthless check which shall be payable to the person or entity that honored the worthless check or checks.

Added by Acts 1983, No. 196, §1; Acts 1986, No. 74, §1; Acts 1991, No. 171, §1; Acts 1997, No. 1443, §1; Acts 2003, No. 440, §1.