

ISSUANCE OF BAD CHECK INFORMATION SHEET
TEXAS PENAL CODE, ART. 32. 41 CLASS C. MISDEMEANOR

What you must do before filing an issuance of a bad check:

1. You must present the check to the bank within 30 days after the check was issued and have the notation of the bank as to why it was returned stamped on the check.
2. You must give notice to the issuer of the check by registered or certified mail, return receipt requested, or by telegram with report of delivery required, or by first class mail if the letter was returned unopened with markings indicating that the address is incorrect and that there is no current forwarding order. (Exception: No notice to the Defendant that the check bounced is required on "Account Closed or "No Account"). It is presumed that the notice was received no later than 5 days after it was sent. You should file the complaint/affidavit in the court ten days after notice is given to the defendant. Please include the following statement in your letter to the accused per 1995 Legislative Update Effective September 1, 1995: **"This is a demand for payment in full for a check or order not paid because of lack of funds or insufficient funds. If you fail to make payment in full within 10 days after the date of receipt of this notice, the failure to pay creates a presumption of committing an offense, and this matter may be referred for criminal prosecution."**

WHEN YOU FILE WITH THE COURT:

1. Fill out the affidavit. You must sign before a notary public if you are mailing them. If presented in person the affidavit can be sworn to before the clerk of the court.
2. You must furnish to the court, along with the affidavit, the following:
 - a. Original returned check
 - b. Returned receipt showing delivery of notice by certified or registered mail or such mail returned undelivered by the Post Office.
3. You must provide the court with complete information regarding the maker of the check. The Court cannot issue a warrant of arrest unless all of the following information is provided:
 - a. **Defendant's full name**
 - b. **Current Address**
 - c. **Drivers License number**
 - d. **Date of Birth**
4. You must file the complaint in the precinct where the offense occurred.

A STOP PAYMENT ON A CHECK IS CONSIDERED A CIVIL MATTER AND SHOULD BE HANDLED ACCORDINGLY. THERE ARE CIVIL CLAIM FORMS PROVIDED THROUGH OUR OFFICE.

LEGAL QUESTIONS WILL NOT BE ANSWERED BY THIS OFFICE

If you have additional procedural questions please contact this court at:

972.204.6710 - Fax 972.204.6719

All correspondence should be addressed to:

Judge Liana Bell Whitten, 1111 E Yellowjacket Ln., Ste. 304, Rockwall, TX 75087

**THE STATE OF TEXAS
COUNTY OF ROCKWALL**

CAUSE NO.: _____

AFFIDAVIT---ISSUANCE OF BAD CHECK

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS:

PERSONALLY APPEARED before me the undersigned authority, this affiant who after being by me duly sworn, deposes and says your affiant has good reason to believe and does believe that one (DEFENDANT'S NAME): _____ hereinafter styled Defendant, heretofore on or about the _____ day of _____ A.D., _____, in the County of Rockwall and State of Texas, did unlawfully and knowingly within Justice Of The Peace, Precinct Four, of said county and state, then and there issue and pass to (MERCHANT'S NAME) _____ a check for the payment of money being

of the tenor following:

(MERCHANT'S NAME , ADDRESS AND PHONE NO.)

PHONE NO. _____ CHECK NO. _____ DATED _____ PAYABLE TO
THE ORDER OF _____ IN THE AMOUNT OF _____ SIGNED BY _____ DRAWN
ON THE _____ BANK OF _____ ACCOUNT NO. _____

And the said defendant knowing at the time of the issuance and passing of the aforesaid check that he didn't have sufficient funds on deposit with the bank on which said check was drawn for the payment in full of the check as well as all other checks and ordered then outstanding. Against the peace and dignity of the State.

Sworn to and subscribed before me this

_____ day of _____, _____.

AFFIANT SIGNATURE

JUSTICE COURT CLERK/ NOTARY PUBLIC

ADDRESS AND PHONE NO.

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ORDER

Based on the above affidavit and the facts in this case, I have made determination that probable cause existence and instruct the clerk to issue a warrant for the arrest of the Defendant.

Signed this _____ day of _____, _____ **Liana Bell Whitten, Justice of the Peace,
Precinct # 4**

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INFORMATION ON DEFENDANT: (WE MUST HAVE THE FOLLOWING INFORMATION ON DEFENDANTS IN ORDER TO FILE AFFIDAVIT: ADDRESS, TX D.L., RACE, SEX, DATE OF BIRTH.)

RES. ADDRESS: _____

BUS. ADDRESS: _____

HOME PHONE NO.: _____

BUS. PHONE NO. _____

TX. D.L. NO. _____

D.O.B. _____ HT. _____

RACE _____ SEX _____

DATE CERT. LETTER SENT _____

SS# OR CREDIT CARD _____

INDICATE HOW LETTER RETURNED _____

NAME OF PERSON WHO TOOK CHECK OR CAN IDENTIFY DEFENDANT: _____

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**JUDGE LIANA BELL WHITTEN
Rockwall County Courthouse
1111 E. Yellowjacket Ln., Ste. 304, Rockwall, Texas 75087
Office 972.204.6710 ***** Fax 972.204.6719**

Demand for Payment

Date: _____

To: _____

This letter gives you official notice in accordance with Texas Penal Code Sec 31.06 that the check on your account at the _____ Bank/Credit Union, in the amount of \$ _____ dated _____ has been returned to me by this bank for the below marked reason:

_____ This is a demand for payment in full for a check or order not paid because of **lack of funds or insufficient funds**.

If you fail to make payment in full within 10 days after the date of receipt of this notice, the failure to pay creates a presumption for committing an offense, and this matter may be referred for criminal prosecution.

_____ This a demand for a check or order not paid because of a **stop payment** placed on the check or order. If you fail to make payment in full within 10 days or you do not return the property within 10 days after the date of receipt of this notice, the failure to pay or return the property creates a presumption for committing an offense, and this matter may be referred for criminal prosecution.

Mail restitution to: _____
