

Theft
Or
Bad Check?

There is a Difference!

Under Texas law, a person commits a theft of property or services if he unlawfully appropriates property or secures performance of a service from the owner by “deception”. Inducing an owner to give one property or provide a service by giving the owner a check which the issuer knows to be bad, qualifies as deception if the owner provided goods or services in good faith reliance that the check was good. The key under the law is that there must be a simultaneous exchange of the check for the goods or service.

The Following Checks Do **Not** Qualify:

Hold Checks Post Dated Checks

Payroll Checks Third Party Checks

Drafts For Debts Owed

If, however, the check writer knew at the time he issued the check that there were insufficient funds in his account to cover all outstanding checks, the offense of issuance of a bad check may have occurred. This offense may be filed with the Justice of the Peace Court of the precinct where the check was passed.



OFFICE OF:
RON HICKMAN

**HARRIS COUNTY
CONSTABLE PRECINCT #4**
6831 CYPRESSWOOD DRIVE
SPRING, TEXAS 77379
(281) 376-3472

WARRANT DIVISION
(281) 401-6255
CIVIL DIVISION
(281) 401-6225

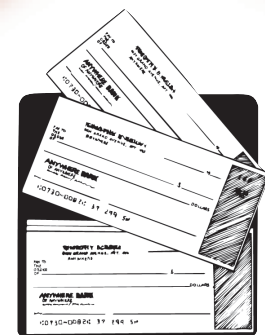
JUDGE J. KENT ADAMS
6831 CYPRESSWOOD DRIVE
SPRING, TEXAS 77379
(281) 376-5512

JUDGE TOM LAWRENCE
7900 WILL CLAYTON PARKWAY
HUMBLE, TEXAS 77338
(281) 446-8621

OFFICE OF:
RON HICKMAN
**HARRIS COUNTY CONSTABLE
PRECINCT #4**



HOT CHECKS



A GUIDE FOR
**REDUCING
YOUR LOSSES**

When Accepting Checks:

- **Have** a uniform check acceptance policy in place and insure that all employees comply.
- **Never** accept any check without a valid Texas driver's license or I.D.
- **Never** accept temporary or starter checks.
- **Never** accept out of town or out of state checks.
- **Never** accept out of state identification for local checks.
- **Never** accept a two-party check.
- **Never** accept visibly altered checks.
- **Be Cautious** when accepting all checks with low serial numbers.
- **Always** compare the printed address on the check to information on the check passer's I.D.
- **Always** compare the signature on the check and the I.D. signature.
- **Always** write all additional information on the front of the check.
- **Always** obtain both home and work phone numbers for the check passer.

Texas Penal Code

Section 32.41

“A person commits an offense if he issues or passes a check of similar sight order for the payment of money **knowing** that the issuer does not have sufficient funds in or on deposit with the bank or other drawee for the payment in full of the check or order as well as all other checks or orders outstanding at the time of issuance.”

Filing Procedures for Hot Checks

Harris County is comprised of eight precincts; within each precinct, there are two Justice of the Peace Courts. Each of these two courts is a complete and separate entity, with it's own policies and procedures. To avoid confusion and errors, it is highly recommended that all questions regarding check filings be directed to the court where the case will be filed.



Requirements For Filing

- The check **must** be written in this precinct.
- The check **must** be presented to bank within 30 days of writing.
- The check **must** be stamped NSF, account closed, or no account.
- The check must be **less** than 2 years old.
- A Certified demand letter **must** be mailed to the check signer at their **last** known address.
- If the letter is claimed, the green card will be returned. You **must** wait 10 days from date the letter was claimed before filing.
- If the letter is **not** claimed, it will be returned. There is **no** 10-day waiting period.
- To file, you must have at **least** 5 defendant identifiers (name, address, telephone number, driver's license number, social security number, date of birth, height, weight, etc.)

For further information, or to schedule a **free** seminar on worthless check prevention for you and your employees contact:

Constable Ron Hickman

Criminal Warrant Division

6831 Cypresswood Drive
Spring, Texas 77379
(281) 401-6255