



New Britain Police Department

Criminal Investigations Division
10 Chestnut Street
New Britain, CT 06051
(860) 826-3000



Bad Check Procedure

The following guidelines have been established by the Superior Court in this Geographical Area (G.A. #15) in regards to businesses and individuals wishing to prosecute for the crime of Issuance of a Bad Check as defined by Connecticut General Statutes, section 53a-128.

1. If your bank returns a check to you advising you that no such account exists, or the account has been closed see step #4 below. If your bank returns a check for insufficient funds then you must send a **certified letter**, with a return receipt requested to the maker of the check to his/her last known address. Keep a dated copy of the letter for your files.
2. In the letter you must specify that the maker of the check has eight (8) days from receipt of the letter to make restitution in full to you or your business. If he/she does not make full restitution within the eight (8) day period you will then prosecute under Connecticut General Statute 53a-128.
3. If the maker accepts the letter, the signed receipt (green card) will be returned to you by the Post Office. The card will be stamped and dated by the Postal Service and must also be saved. If the letter was accepted you must wait the eight (8) days from the date of receipt to allow the maker of the check to make restitution as requested. If the letter is returned as either unaccepted or unclaimed, and no restitution is made you need not wait eight (8) more days.
4. You can bring the Original Check, the bank return slip, and if applicable a copy of the request for restitution letter, the return receipt from the Post Office or the returned letter unopened to the Detective Division where you will be assisting in filing a State of Connecticut court affidavit for Bad Checks (JD CR-57 form). This form must be signed, sworn to, and notarized.

The Assistant States Attorney for this Geographical Area has determined the following:

1. The amount of the check should be reasonable enough to make criminal prosecution worthwhile (a minimum of \$100.00).
2. If the maker of the check is known to the police as a "habitual offender", or the victim is issued multiple checks totaling \$100.00 or more in a 90 day period, then the dollar amount may not be a consideration for refusal to prosecute.
3. No complaint should be entertained by the Police that is over 90 days old from the issuance of the original check (a stale complaint).
4. No complaint shall be taken from a victim where a victim has already accepted payment of partial payment on the check.
5. No complaint shall be taken whereby the check was received by mail unless all other identification requirements can be met. A driver's license number alone is insufficient.
6. The actual location where any such check is **received** shall be the jurisdiction where the complaint is to be made.
7. The person actually cashing or receiving the check should be the affiant in the warrant application, (just as in any other criminal case).

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