

The District Attorney's Bad Check Program (DABC) is a diversion program authorized by California Penal Code Section 1001.60. Any non-sufficient funds or account closed check passed in San Luis Obispo County is eligible for the D.A.'s Bad Check Program. This service is provided at no cost to victims.

The victim is required to complete a Bad Check Report form and staple the original check to the form. The victim agrees not to accept direct restitution from the check writer once the check has been turned over to the DABC. The victim is also required to make a reasonable effort to collect the check prior to submitting the check to the DABC.

Stop payment, post dated, and agreement to hold checks are civil matters and therefore not appropriate for submission to the DABC. Forged, stolen and fictitious checks should be referred to the police or sheriff's department that has jurisdiction.

When the DABC staff receives the check(s), information provided by the victim on the Bad Check Report and information from the check itself is entered into the DABC data base. If the check writer is eligible for diversion, a letter is sent from the DABC telling the check writer they must pay the check(s) plus a \$35 D.A. administrative fee per check to the DABC. The letter informs the check writer that failure to pay within 30 days may result in criminal investigation and prosecution. The check writer may also be required to attend a Bad Check Education class and pay a \$50 fee for the class.

If the check writer is not eligible for diversion or if the checks are not paid, a criminal case is prepared by the DABC staff. These cases, misdemeanors as well as felonies, are prepared in a similar format:

1. Request for Complaint
2. Witness List
3. DMV, CLETS
4. Reports
5. Worksheet/list of checks in complaint
6. List of all checks charged and uncharged
7. Copies of checks
8. Bank records

A civil compromise may be appropriate in P.C. 476a(a) cases if the defendant has no criminal history, has paid all checks and fees and attended the bad check program. The dismissal should not be done until the defendant provides the DDA with a form signed by a DABC staff member. This form, on D.A. letterhead, is entitled "Notice of Restitution of all Checks and Fees Paid." A receipt from the DABC is not a substitute for the official form and should not be accepted as proof of payment of all checks and fees.

The D.A.'s Economic Crime Unit also provides to the public a Small Claims and Consumer Advisory Service. This staff member has expertise in all areas of Small Claims Court, such as case preparation, statute of limitations, court procedures, applicable forms and fees, and collection of judgments. This service is free to the public.

The Small Claims/Consumer Advisor also advised the public in consumer matters such as credit card problems, ID theft, investment scams, Business and Professions Code violations, defective merchandise, etc.