



**WES MAU**  
Criminal District Attorney  
Hays County Government Center  
712 South Stagecoach Trail, Suite 2057  
San Marcos, Texas 78666  
(512)393-7600 FAX (512)393-7619

**CHECK PROCEDURE-HOT CHECK DIVISION**

Any check returned by the bank stamped “Insufficient Funds” or “Account Closed” is considered a worthless check on which criminal charges may be filed if all requirements of the law are met the following must be done.\***CHECK PASSED/RECEIVED IN HAYS COUNTY**

- A. Send a letter to check maker by **Certified Mail** with return receipt requested or by **First Class Mail** with an **affidavit of service**. The letter may be sent to check maker’s address shown on: the check; the records of the bank or other drawee; or the records of the person to whom the check has been issued or passed. The letter must include the following language: **“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.”** Do NOT accept another check as payment of a bad check. Keep a copy of your letter. If the letter is accepted, the receipt will be returned to you by the Post Office; if not accepted, the letter will be returned. **Do not** open this leave it intact.
- B. If you have no response from the check maker, after ten days you may turn the check over to the District Attorney’s Office.

The following items must be provided to this office:

1. **Original Check or Legal Copy**, stamped by the bank NSF or ACCT. CLOSED
  2. Driver’s License number and Date of Birth
  3. Returned certified letter and receipt’s
  4. Certified letter **or** First Class letter attached with affidavit of service
  5. **Affidavit must be notarized**
  6. Any invoice or agreement for which the check was given
- C. The following will **NOT** be handled by the District Attorney’s office:
1. No Two party checks
  2. No checks stamped Stop Payment
  3. No checks stamped Refer to Maker
  4. No Post Dated checks
  5. No checks stamped Unable to locate

In order to guarantee maximum potential for successful collections and prosecution you are requested to bring the “Worthless Check”, along with a copy of the certified 10 day demand letter and the return receipt within 60 days of having received the Worthless Check. Compliance with this request will facilitate our office’s ability to locate and apprehend the subject. However, we will certainly still accept checks in that extraordinary situation where you have been unable to meet the 60 days requirements.

Once a check has been submitted to our office, **DO NOT** accept payment on that check from the check maker. Refer the check maker to the District Attorney’s Office, because there may be an active warrant for their arrest.

If you have any questions please do not hesitate to call our Hot Check Dept. at 512-393-7600, extensions 7601 and 7621. Thank you.

Hays County Hot Check Division