

## Worthless Checks are a Crime.

- Under state law, anyone passing bad checks in the amount of \$25.00 or higher may be prosecuted as a 4<sup>th</sup> degree felony.
- The law allows for a prison sentence of up to three years and a fine of \$1,000.

## The Bad Check Restitution Program

Millions of dollars are lost every year by merchants as a result of bad checks. To save New Mexico Taxpayers dollars our office utilizes The Bad Check Restitution Program, ACCS (American Corrective Counseling Services). The primary goal is to obtain full restitution for victims.

## 13th Judicial District

### Cibola County

515 High Street,  
Grants, New Mexico  
87020  
(505)285-4627

### Sandoval County

1500 Idalia Road  
Bernalillo, New Mexico  
87004  
(505) 867-2386

### Administrative Office

333 Rio Rancho Blvd. Ste 201  
Rio Rancho, New Mexico  
87124  
(505) 896-3952

### Valencia County

101 South Main Street,  
Suite 201  
Belen, NM 87002  
(505) 861-0311

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Checks Are a  
Crime.**



**Lemuel L. Martinez**  
13<sup>th</sup> Judicial District  
Attorney Serving Cibola,  
Valencia & Sandoval  
Counties

## **Who Qualifies for this Program?**

First time offenders, who are given the opportunity to avoid criminal prosecution by;

- Attending a Mandatory Intervention Class.
- Paying Restitution.

**This is accomplished with no cost to taxpayer.**

## **A Check is Eligible if:**

- The amount is no more than \$5,000 (or multiple checks not exceeding this limit). There are no minimum dollar restrictions.
- The check was issued in the Thirteenth Judicial District (Cibola, Sandoval and Valencia Counties), deposited in a bank in exchange for goods or services and presumed "good" at the time of acceptance.

- A "certified worthless check notice" was sent to check writer allowing 10 days to make check good.
- A photo I.D. (drivers license, military I.D., state identification card) was recorded at the time of the transaction.

## **Guidelines for Bad Check Restitution Program**

1. Make personal contact with the check writer; if you are unsuccessful, send a certified worthless check notice. The check writer has 10 days to respond and remit payment.
2. If you do not hear from the check writer or receive payment, simply contact the Bad Check Restitution Program at 866-286-1527 for a bad check crime report form.

3. Fill out the crime report form, attach originals checks and notification documents, such as return receipts and bank notices and mail to:

Thirteenth Judicial District Attorney  
Bad Check Restitution Program  
P.O. Box 847  
Grants, NM 87020-0847

If you do not receive restitution within 90 days, contact the Thirteenth Judicial District Attorney Bad Check Restitution Program.

## **What Happens if The Program is Unsuccessful in Collecting Restitution?**

Our office files a felon case against the individual in Magistrate court. The individual is now a defendant and will go through the judicial process facing a penalty of up to 3 years in jail, court costs, a felony on his/her record and any other penalties the court deems necessary.