



Contact: Diversion Strategies Group, 602-372-7300

Check Enforcement Program Overview:

Every day, checks are written to pay for goods and services. Yet, some checks are not honored when presented at the bank due to insufficient funds or a closed account. As a result, hardworking merchants and other victims go unpaid. The Maricopa County Attorney's Office (MCAO) Check Enforcement Program (CEP) is a free, legal remedy for victims of bad checks. CEP attempts to recover restitution from bad check writers and if non-compliant, the matter is reviewed for prosecution. There are several benefits to diverting this type of offender: it allows the bad check writer to avoid criminal charges and the court process if full and timely restitution is made; once full payment is made, it restores the victim; it uses prosecutorial and court resources more efficiently; and holds the check writer accountable for criminal conduct.

How the Check Enforcement Program Works:

- The victim of a bad check must follow the procedures in the MCAO ¹ [Check Enforcement Guidebook](#); appropriate documentation and forms must be submitted to the CEP.
- Submissions may be declined for reasons stated in the Check Enforcement Guidebook. Some of the reasons may include: a check not deposited within 30 days of issuance, a check not signed, a check that has been obviously altered, a post-dated check, a stale check, a check for which partial payment was accepted, a check passed outside of Maricopa County, a check without proper check writer identification, and if there is pending civil litigation concerning the bad check or if a civil judgment has been obtained by the check writer.
- CEP staff will attempt to contact the check writer and require payment to the CEP, along with required statutory fees. Upon receiving restitution from the bad check writer, a check will be issued to the victim.
- If the check writer does not comply with the above, criminal charges may be filed for issuing a bad check. If the face value of the check is under \$5000.00, it will be reviewed for misdemeanor charges. If the face value of the check is at or above \$5000.00, the matter will be reviewed for felony charges.
- In some cases, the Deputy County Attorney (DCA) will enter into a plea agreement with the check writer. If a plea is negotiated, the check writer will be required to pay full restitution and fees, over a specified period. If a plea is not negotiated, the matter may proceed to trial. If the check writer is convicted, the sentence could include fines and surcharges of \$2500.00. In severe cases, a judge can order a check writer to complete a jail term of up to six months for each bad check and pay full restitution of the check(s) plus required statutory fees.

Important Information:

- Once forms are submitted to the CEP, the MCAO requests no further contact between the victim and the check writer.
- Victims must contact CEP staff for changes in address, phone number, or email address; otherwise, restitution payments may be delayed or returned and rendered null and void.
 - FAQs and pertinent forms can be found at: MaricopaCountyAttorney.org/CEP
 - CEP Contact Information: Email: mcaocheck@mcao.maricopa.gov
Phone: 602-372-7300 Fax: 602-372-0014

¹ Check Enforcement Guidebook is found on the MCAO public website.