

# CRIME PREVENTION: Theft and Fraud

---

## SCAMS & THEFTS

Each year thousands find themselves the victims of con-artists and thieves. Identity theft, theft by check, fraud and deception—these are just some of the ways that criminals strike. You can strike back, crime prevention is everyone's responsibility, not just a job for law enforcement. **YOU DON'T HAVE TO BE A VICTIM!** You can learn how to protect yourself from crime by following these simple, commonsense suggestions. Share these tips with your neighbors and friends, to make it tough for criminals to work in your neighborhood.

## THEFT PREVENTION TIPS

- Lock your doors and windows.
- Don't leave your property unattended.
- Vary your daily routine.
- Use "Neighbor Watch" to keep an eye on your neighborhood.
- Don't leave notes on the door when going out.
- Notify neighbors and the police when going away on a trip.
- When you are away remember to cancel deliveries such as newspapers and arrange for your mail to be held by the Post Office, or ask a neighbor to collect it for you.
- Don't hesitate to report crime or suspicious activities.
- Never let a stranger into your home.
- Do not post messages on internet sites that let others know that you are out.
- Do not hide your keys under the mat or in other conspicuous places.
- Never give out information over the phone indicating you are alone or that you won't be home at a certain time.

## IDENTITY THEFT PREVENTION TIPS

- Never give your credit card number or personal information (*social security number, driver license number, account number(s), date of birth, place of birth, home address, mother's maiden name or passwords*) over the phone, through the mail, or over the Internet unless you

have initiated the contact or you are sure you know who you are dealing with.

- When you order new checks, consider removing extra information such as your social security number, driver license number, middle name and telephone number.
- Monitor your credit history and bank records regularly to look for signs of suspicious activity.
- Keep records of your banking, check writing, credit card and ATM usage and check them for accuracy.
- Ensure that carbons on credit card receipts are destroyed.
- Use a home shredder to completely destroy any items that may have personal information and identifiers, rather than discarding them in the trash.
- Do not carry extra credit cards, your social security card, birth certificate or passport in your wallet or purse, except when needed.
- Add your name to the name-deletion lists of the Direct Marketing Association's Mail Preference Service and Telephone Preference Service used by telemarketers.
- Don't mail bill payments and checks from home- they can be stolen from your mailbox. Mail them at the post office.
- Photocopy the contents of your wallet. Copy both sides of your license and credit cards so you have all the account numbers, expiration dates and phone numbers if your wallet or purse is stolen.

## THEFT BY CHECK vs. BAD CHECK

The terms "Theft by Check" and "Passing a Bad Check" are commonly used interchangeably, however, they constitute two very different crimes. The offense of "**issuance/passing of bad check**" is a Class C misdemeanor (a Class B if the check was written for a child support payment) and is found under section 32.41, Texas Penal Code. Under 32.41, it is a crime for a person to issue or pass a check knowing that

**For more information visit our website at  
[www.79-DistrictAttorney-tx.org](http://www.79-DistrictAttorney-tx.org)**

# CRIME PREVENTION: Theft and Fraud

---

the person did not have sufficient funds on deposit with the bank to cover the check and any other check that was outstanding at the time the check was issued.

The offense of “**theft by check**” is governed under several Texas Penal Code sections, sections 31.03, 31.04, and 31.06, with punishment ranges from misdemeanor through felony- depending on the amount stolen. In order for the “theft by check” offense to apply, the offender must have obtained property or secured performance of a service by passing/issuing a check.

Below you will find a list of checks that, as a general rule, **CANNOT BE ACCEPTED** for criminal prosecution as a **Theft by Check**:

1. Post Dated or "Stop Payment" checks
2. Old checks upon which the statute of limitations has run
3. Checks where partial payment has been accepted
4. Two party checks
5. Checks presented in payment of debts, loans or charge accounts
6. Checks where no property or services were given in immediate exchange
7. Forged or altered checks. (These checks should be filed as forgery cases)
8. Checks received through the mail
9. Checks not presented to the bank within 30 days from the date written
10. Checks given in furtherance of any illegal activity

## WHAT IF IT HAPPENS TO YOU

- **NOTIFY THE POLICE OR SHERIFF’S OFFICE:** If you believe that your identity has been fraudulently used by another person without your consent, contact your local Police Department or Sheriff’s Office to file a criminal report.
- **CONTACT ANY DRIVER LICENSE OFFICE:** After you have filed a criminal report, you may contact any local driver license office for assistance in determining the best course of action.
- **STOLEN IDENTITY FILE:** Sheriff’s Offices in Texas are charged with the responsibility to

establish a criminal file referred to as “The Stolen Identity File.” Once the file has been established the Sheriff’s Office will report the information to a statewide file managed by DPS.

- **REPORT THE THEFT TO THE THREE MAJOR CREDIT REPORTING AGENCIES (Equifax, Trans Union & Experian):** Request that a victim’s statement and fraud alert be placed in your file.
- **REPORT YOUR IDENTITY THEFT CASE TO THE FOLLOWING ORGANIZATIONS AND FOLLOW THEIR PROCEDURES:**
  - Creditors and Merchants
  - Your bank(s) and credit union(s)
  - Social Security Administration
  - Federal Trade Commission
  - U.S. Passport Agency

## ABOUT THE DISTRICT ATTORNEY

**Carlos Omar Garcia**, 79<sup>th</sup> Judicial District Attorney.

Carlos was born and raised in Alice with extended family ties in Jim Wells, Brooks, and Duval Counties. Carlos began his distinguished prosecutorial career in 1997. Before being elected as District Attorney, Carlos worked an Assistant District Attorney for Kleberg and Kenedy Counties (2008-2012) and the 79<sup>th</sup> Judicial District Attorney’s Office for Brooks & Jim Wells Counties (1997-2008). In addition to his service as a felony prosecutor, Carlos has also served as an Assistant County Attorney for Brooks, Jim Wells, and Kleberg Counties.

## COMPLIMENTS OF



## CARLOS OMAR GARCIA 79<sup>th</sup> JUDICIAL DISTRICT ATTORNEY

**JIM WELLS COUNTY**  
P.O. Box 3157  
Alice, Texas 78333  
(361)668-5716  
Fax (361)668-9974

**BROOKS COUNTY**  
P.O. Box 283  
Falfurrias, Texas 78355  
(361)325-5604, Ext. 259  
Fax (361)325-2993

**For more information visit our website at  
[www.79-DistrictAttorney-tx.org](http://www.79-DistrictAttorney-tx.org)**