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Subject: Availability of Funds and Collection of Checks

Date: Jan 28, 2004

Proposal: Regulation CC - Availability of
Funds and Collection of Checks
Document ID: R-1176
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@@@Ref. docket#R-1176, "Check 21" legislation...Please be advised that, as good as this new law may initially appear, there are several aspects that seemingly haven't been properly addressed. Law enforcement and financial institution fraud investigators have been completely left "out of the loop" on this one. Our crime labs, from the FBI down, will NOT do handwriting comparisons on "copies" (especially on reduced in size copies, which is what the institutions are planning). We also loose all original paper evidence and potential latent fingerprint evidence. Then there is the much more important issue of loosing the inked fingerprints that many banks & merchants etc. are just now being educated to take as a proper form of ID, in lieu of a useless drivers license number (which has no validity in identifying people anyway). Also, there doesn't appear to be any developed standard regarding the clarity of these reduced copies. Are the copies going to be legible? Law enforcement and other investigators are just now becoming aware of "Check 21". We have discussed it repeatedly at our monthly meetings and are EXTREMELY concerned. You are removing the "paper trail" of evidence and several investigative tools, without proposing replacement legislation or tools. Counterfeit replicas of checks are also much easier to reproduce. Our California DA's are hinting that this may eliminate most criminal check prosecutions. At a time when Identity Theft is now the #1 crime in America, you are providing the average criminal additional means of going undetected and not being prosecuted. And this doesn't even address the issue of whether these electronic copies will be accepted by the IRS or banks & retailers when a consumer dispute arises. Please reconsider the current format of "check 21", include KNOWLEDGEABLE law enforcement & bank investigators in the discussions, and consider some modifications of this law.

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