

Ala. Code 1975, § 13A-11-58.1(c)

Providing False Information to Dealer

The defendant is charged with providing false information to a dealer.

A person commits the crime of providing false information to a dealer if he/she provides to a licensed dealer or private seller of firearms or ammunition what the person knows to be materially false information with intent to deceive the dealer or seller about the legality of the transfer of a firearm or ammunition

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The defendant provided to a licensed dealer or private seller of firearms or ammunition what he/she knew to be materially false information, [**describe false information**]; [**AND**]
- (2) The defendant did so with intent to deceive the dealer or seller about the legality of the transfer of a firearm or ammunition].

A *licensed dealer* is a person who is licensed pursuant to 18 U.S.C. § 923 or Section 13A-11-79, to engage in the business of dealing in firearms. [13A-11-58.1(a)(2)]

A *private seller* is a person who sells or offers for sale any firearm or ammunition. [13A-11-58.1(a)(4)]

A *firearm* is a weapon from which a shot is discharged by gunpowder. [13A-11-62(1); 13A-8-1(5)]

Ammunition is any cartridge, shell, or projectile designed for use in a firearm. [13A-11-58.1(a)(1)]

Materially false information is information that portrays an illegal transaction as legal or a legal transaction as illegal. [13A-11-58.1(a)(3)]

[Read as appropriate]: A peace officer acting in his/her official capacity or a person acting at the direction of a peace officer cannot be found guilty of this offense. [13A-11-58.1(d)]

A person acts *knowingly* with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of that nature or that the circumstance exists. [13A-2-2(2)]

A person acts *intentionally* with respect to a result or to conduct described by a statute defining an offense, when his purpose is to cause that result or to engage in that conduct. [13A-2-2(1)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of providing false information to a dealer, then you shall find the defendant guilty of providing false information to a dealer.

If you find that the State has failed to prove any one or more of the elements of providing false information to a dealer, then you cannot find the defendant guilty of providing false information to a dealer.

[Approved 05/09/19]