

Ala. Code 1975, § 13A-9-71(o)

Charitable Fraud
(Failing to Identify or Inform Solicitee)

The defendant is charged with charitable fraud.

A person commits the crime of charitable fraud if he/she is in the process of soliciting funds and knowingly fails to identify himself/herself, or, if he/she is being paid for soliciting, he/she knowingly fails to inform the solicitee of his/her being so paid in a clear manner before attempting any solicitations.

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

- (1) The defendant was in the process of soliciting funds;
- (2) **[Read all appropriate]:**
 - (a) The defendant failed to identify himself/herself; **(OR)**
 - (b) If the defendant was being paid for soliciting, he/she knowingly failed to inform the solicitee of his/her being so paid in a clear manner before attempting any solicitations; **(AND)**
- (3) The Defendant did so knowingly.

Professional solicitor is any person who is employed or retained for compensation by a professional fund raiser to solicit contributions for charitable purposes in this state. [13A-9-70 (10)]

Charitable purpose is any charitable, benevolent, philanthropic, or patriotic purpose which is consistent with the then-controlling definition provided in the Internal Revenue Code of the United States of America. [13A-9-70(2)]

Person is any individual, organization, group, association, partnership, corporation, trust, or any combination of them. [13A-9-70)(7)]

A person acts *knowingly* with respect to conduct or to a circumstance when he/she is aware that his/her conduct is of that nature or that the circumstance exists. [13A-2-2(2)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the elements of the offense of charitable fraud, then you shall find the defendant guilty of charitable fraud.

If you find that the State has failed to prove beyond a reasonable doubt any one or more of the elements of the offense of charitable fraud, then you cannot find the defendant guilty of charitable fraud.

[Approved 9-11-15.]