

**Ala. Code 1975, § 13A-10-13(a)**

**Using State Seal**

The defendant is charged with using the Great Seal of the State of Alabama.

A person commits the crime of using the Great Seal of the State of Alabama if he/she uses an image or facsimile of the Great Seal of the State of Alabama for any commercial purpose.

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

- (1) The Defendant used an image or facsimile of the Great Seal of the State of Alabama;
- (2) The defendant did so for a commercial purpose, **[insert description of purpose]; (AND)**
- (3) The Defendant acted **[insert appropriate mens rea element – See Use Notes]**.

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of using the Great Seal of the State of Alabama, then you shall find the defendant guilty of using the Great Seal of the State of Alabama.

If you find that the State has failed to prove any one or more of the elements of the offense of using the Great Seal of the State of Alabama, then you cannot find the defendant guilty of using the Great Seal of the State of Alabama.

**[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]**

**Use Notes**

The Great Seal of the State of Alabama is described in Section 1-2-4 of the Code of Alabama 1975 as follows:

"The seal shall be circular, and the diameter thereof two and a quarter inches; near the edge of the circle shall be the word 'Alabama,' and opposite this word, at the same distance from the edge, shall be the words, 'Great Seal.' In the center of the seal there shall be a representation of a map of the state with its principal rivers. The seal shall be called the 'Great Seal of the State of Alabama.' The seal shall be kept and used as required by the Constitution and laws."

The statute does not state a specific mens rea element.

Insert the appropriate mens rea element considering the indictment and the evidence before the court. There are few, if any, strict liability offenses in the Code. See Commentary for 13A-2-3 and 13A-2-4(b). There are four mens rea elements in the Alabama Code: intentionally, knowingly, recklessly and with criminal negligence. See 13A-2-2.

- (1) A person acts *intentionally* with respect to a result or to conduct described by a statute defining an offense when his/her purpose is to cause that result or to engage in that conduct. [13A-2-2(1)]
- (2) A person acts *knowingly* with respect to conduct or to a circumstance described by a statute defining an offense when he/she is aware that his/her conduct is of that nature or that the circumstance exists. [13A-2-2(2)]
- (3) A person acts *recklessly* with respect to a result or to a circumstance when he/she is aware of and consciously disregards a substantial and unjustifiable risk that the risk will occur or that the circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. [13A-2-2(3)]
- (4) A person acts with *criminal negligence* with respect to a result or to a circumstance when he/she fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation. A court or jury may consider statutes or ordinances regulating the defendant's conduct as bearing upon the question of criminal negligence. [13A-2-2(4)]

[Approved 8-20-15.]