

Ala. Code 1975, § 13A-10-13(b)

Printing or Distributing Facsimile of Official Identification Card

The defendant is charged with printing or distributing a facsimile of an official identification card.

A person commits the crime of printing or distributing a facsimile of an official identification card if he/she prints or distributes, or both, a facsimile of an official identification card issued by the Department of Public Safety, which does not have a disclaimer of the authenticity of the card printed on the front of the card, of the same size and type as the type used for the largest type on the facsimile of an official identification card.

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

- (1) The Defendant printed or distributed, or both, a facsimile of an official identification card issued by the Department of Public Safety;
- (2) The facsimile did not have a disclaimer of the authenticity of the card printed on the front of the card, of the same size and type as the type used for the largest type on the facsimile of an official identification card; **(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 printing or distributing a facsimile of an official identification card, then you shall find the defendant guilty of printing or distributing a facsimile of an official identification card.

If you find that the State has failed to prove any one or more of the elements of the offense of printing or distributing a facsimile of an official identification card, then you cannot find the defendant guilty of printing or distributing a facsimile of an official identification card.

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

Use Notes

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.]