

**Ala. Code 1975, § 13A-11-58.1(b)**

**Improper Transfer of Firearm or Ammunition**

The defendant is charged with improper transfer of a firearm or ammunition.

A person commits the crime of improper transfer of a firearm or ammunition if he/she knowingly solicits, persuades, encourages, or entices a licensed dealer or private seller of a firearm or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate the laws of this state or the United States.

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

- (1) The defendant knowingly solicited, persuaded, encouraged, or enticed a licensed dealer or private seller, **[insert name]** of a firearm or ammunition to transfer a firearm or ammunition; **[AND]**
- (2) The defendant did so under circumstances which he/she knew would violate the laws of this state or of the United States **[insert law violated]**.

**[Insert appropriate wording from the state or federal law violated]**

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)]

**[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)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of improper transfer of a firearm or ammunition, then you shall find the defendant guilty of improper transfer of a firearm or ammunition.

If you find that the State has failed to prove any one or more of the elements of improper transfer of a firearm or ammunition, then you cannot find the defendant guilty of improper transfer of a firearm or ammunition.

[Approved 05/09/19]