

Ala. Code 1975, § 13A-11-64(2)

Possession of Firearm After Alteration

The defendant is charged with possession of a firearm after alteration.

A person commits the crime of possession of a firearm after alteration if he/she possesses, obtains, receives, sells, or uses a firearm after the maker, model, manufacturer's number or other mark or identification has been changed, altered, removed, or obliterated.

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

- (1) The defendant possessed, obtained, received, sold, or used a firearm after the maker, model, manufacturer's number or other mark or identification had been changed, altered, removed, or obliterated; **(AND)**
- (2) The defendant acted intentionally.

To *possess* means to have physical possession or otherwise to exercise dominion or control over tangible property. [13A-1-2(13)]

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

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)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of possession of a firearm after alteration, then you shall find the defendant guilty of possession of a firearm after alteration.

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

Use Notes

The statute does not state a specific mens rea element. However, the Alabama Court of Criminal Appeals has held that criminal intent is a required element for conviction. *Ala. v. Self*, 492 So. 2d 319 (Crim. App. 1986)

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