

**Ala. Code 1975, § 13A-8-
10.5(b)(1) THEFT OF VALOR
(Wears Medal)**

The defendant is charged with theft of valor.

A person commits the crime of theft of valor if, he/she knowingly:

[Read as appropriate]

- a. Wears;
- b. Purchases;
- c. Attempts to purchase;
- d. Solicits for purchase;
- e. Mails;
- f. Ships;
- g. Imports;
- h. Exports;
- i. Produces blank certificates of receipt for;
- j. Manufactures;
- k. Sells;
- l. Attempts to sell;
- m. Advertises for sale;
- n. Trades;
- o. Barters; **(OR)**
- p. Exchanges anything of value;

for any of the following and receives a material gain, unless the person is authorized under applicable state or federal regulations or law:

[Read as appropriate]

- a. Any decoration or medal authorized by Congress for the Armed Forces of the United States;
- b. A service medal or badge awarded to a member of the Armed Forces of the United States; **(OR)**
- c. A ribbon, button, or rosette of any badge, decoration or medal, or any colorable imitation thereof.

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

- (1) The defendant **[Read as appropriate]**
- a. Wore;
 - b. Purchased;
 - c. Attempted to purchase;
 - d. Solicited for purchase;
 - e. Mailed;
 - f. Shipped;
 - g. Imported;
 - h. Exported;
 - i. Produced blank certificates of receipt for;
 - j. Manufactured;
 - k. Sold;
 - l. Attempted to sell;
 - m. Advertised for sale;
 - n. Traded;
 - o. Bartered; **(OR)**
 - p. Exchanged anything of value;

for any of the following: **[Read as appropriate]**

a. Any decoration or medal authorized by Congress for the Armed Forces of the United States, **[Insert description]**;

b. A service medal or badge awarded to a member of the Armed Forces of the United States, **[Insert description]**; **(OR)**

c. A ribbon, button, or rosette of any badge, decoration or medal, or any colorable imitation thereof, **[Insert description]**;

(2) The defendant received a material gain, **[Insert description]**;

(3) The defendant was not authorized under applicable state or federal regulations or law to do so; **(AND)**

(4) The defendant did so knowingly.

Congressional medal of honor includes any of the following:

- a. A Medal of Honor awarded under Section 3741, 6241, or 8741 of Title 10 or Section 491 of Title 14 of the United States Code;
 - b. A duplicate Medal of Honor issued under Section 3754, 6256, or 8754 of Title 10 or Section 504 of Title 14 of the United States Code;
 - c. A replacement of a Medal of Honor provided under Section 3747, 6253, or 8747 of Title 10 or Section 501 of Title 14 of the United States Code.
- [13A-8-10.5(a)(1)]

Material gain is something of value received, bestowed, conferred, presented, granted, contributed, funded, gifted, donated, bequeathed, decided, or approved, regardless of the monetary, remunerative, or tangible value. This includes, but is not limited to, food, lodging, compensation, travel expenses, placards, public benefits, public relief, financial relief, or anything in which or for which a tangible benefit was gained, even if the value of such is de minimis.

[13A-8-10.5(a)(2)]

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)]

[Read as appropriate] It is a defense to a prosecution for this offense that the defendant honestly believed that he/she had a claim to the property or services involved which he/she was entitled to assert in the manner which forms the basis of the charge against him/her. [13A-8-12(a)]

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

If you find that the State has failed to prove any one or more of the elements of the offense of theft of valor, then you cannot find the defendant guilty of theft of valor.

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

Use Note

The burden of injecting the above-stated defense to this offense is on the defendant, but this does not shift the burden of proof. [13A-8-12(b)] The jury should not be instructed that the defendant carries this burden.

[Approved 05-17-24]