

Ala. Code 1975, § 13A-8-194

Obstructing Justice Using a False Identity

The defendant is charged with obstructing justice using a false identity.

A person commits the crime of obstructing justice using a false identity if, he/she uses identification documents or identifying information of another person or a fictitious person to avoid summons, arrest, prosecution, or to impede a criminal investigation.

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

- (1) The defendant used identification documents or identifying information of another person or a fictitious person, **[insert name]**;
- (2) The defendant did so to avoid summons, arrest, prosecution, or to impede a criminal investigation; **(AND)**
- (3) The defendant acted knowingly.

Identification documents are any papers, cards, or other documents issued by federal, state, or local governmental authorities that are used specifically to identify a person. Identification documents include, but are not limited to, driver's licenses, military identification cards, passports, birth certificates, Social Security cards, and other government-issued identification cards. [13A-8-191(1)]

Identifying information is any information, used either alone or in conjunction with other information, that specifically identifies a person or a person's property, and includes, but is not limited to, any of the following information related to a person:

- a. Name
- b. Date of birth
- c. Social Security number
- d. Driver's license number
- e. Financial services account numbers, including checking and savings accounts
- f. Credit or debit card numbers
- g. Personal identification numbers (PIN)
- h. Electronic identification codes
- i. Automated or electronic signatures
- j. Biometric data
- k. Fingerprints
- l. Passwords
- m. Parent's legal surname prior to marriage

- n. Any other numbers or information that can be used to access a person's financial resources, obtain identification, act as identification, or obtain goods or services. [13A-8-191(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)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of obstructing justice using a false identity, then you shall find the defendant guilty of obstructing justice using a false identity.

If you find that the State has failed to prove any one or more of the elements of obstructing justice using a false identity, then you cannot find the defendant guilty of obstructing justice using a false identity.

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

Use Notes

An indictment tracking the statute has been upheld by the Alabama Court of Criminal Appeals. *State v. Toole*, 25 So. 3d 486 (Ala. Crim. App. 2009).

[Approved 04-15-16.]