

Ala. Code 1975, § 13A-8-22(a)(2)
OBSCURING IDENTITY OF VEHICLE
**(Possession of Vehicle With Obscured
Number)**

The defendant is charged with obscuring identity of a vehicle.

A person commits the crime of obscuring identity of a vehicle if he/she possesses a vehicle or component part thereof knowing that the manufacturer's serial number or other identification number or mark has been obscured unless he/she legally acquired ownership of the vehicle or part before the manufacturer's serial number was obscured or before he/she knew it was obscured.

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

- (1) The defendant possessed a vehicle or component part thereof,
[Insert description of vehicle or part];
- (2) The manufacturer's serial number or other identification number or mark had been obscured;
- (3) The defendant legally acquired ownership of the vehicle or part after:
 - (a) The manufacturer's serial number or other identification number or mark was obscured; **(OR)**
 - (b) He/she knew the manufacturer's serial number or other identification number or mark was obscured;

(AND)

- (4) The defendant did so knowingly.

Obscure means to remove, deface, cover, alter, destroy or otherwise render unidentifiable. [13A-8-22(b)]

Vehicle means any propelled device in, upon or by which any person or property is transported on land, water or in the air, including stationary rails or tracks, and includes motor vehicles, motorboats, vessels and aircraft.
[13A-8-22(c)]

[Read as appropriate] Proof that a person has obscured the manufacturer's serial number or other distinguishing identification number or mark on a vehicle is prima facie evidence that he/she did so with the intent to render it unidentifiable. [13A-8-22(d)] Such prima facie evidence of intent may be rebutted, however, by other evidence as a whole.

[Read as appropriate] Possession of a vehicle held for sale in the course of business on which the serial number or other identification number or mark has been obscured is prima facie evidence of knowledge of that fact. [13A-8-22(e)] Such prima facie evidence of intent may be rebutted, however, by other evidence as a whole.

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] A report by the defendant to the police or other appropriate government agency before arrest is a defense to this charge. [13A-8-22(f)]

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

If you find that the State has failed to prove any one or more of the elements of the offense of obscuring identity of a vehicle, then you cannot find the defendant guilty of obscuring identity of a vehicle.

[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 is on the defendant, but this does not shift the burden of proof. [13A-8-22(f)]

[Approved 05-17-24]