

**Ala. Code 1975, § 13A-8-31(d)**

**Giving False Information to a Secondary Metals Recycler**

The Defendant is charged with giving false information to a secondary metals recycler.

A person commits the crime of giving false information if he/she gives false information and receives money or other consideration from a secondary metals recycler in return for metal property.

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

The defendant acted **[Insert appropriate mens rea element - See Use Notes]**.

A *secondary metals recycler* is any person, whether licensed or not licensed, who is engaged, from a fixed location or otherwise, in the business of paying compensation for ferrous or nonferrous metals, whether or not engaged in the business of performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value. **[Read as appropriate]:** The term does not include a pawnbroker licensed pursuant to Chapter 19A of Title 5, or a licensed automotive dismantler and parts recycler as defined in Section 40-12-410, unless the entities engage in the business of paying compensation for ferrous or nonferrous metals. [13A-8-30(9)]

*Ferrous metals* are metals containing significant quantities of iron or steel, excluding motor vehicles purchased in accordance with Section 32-8-87. **[Read as appropriate: Section 32-8-87]**. [13A-8-30(1)]

*Nonferrous metals* are metals not containing significant quantities of iron or steel, including, without limitation, copper, brass, aluminum other than aluminum cans, bronze, lead, zinc, nickel, stainless steel, and alloys thereof, including stainless steel beer kegs. [13A-8-30(4)]

A *person* is an individual, partnership, corporation, joint venture, trust, association, or any other legal entity. [13A-8-30(5)]

*Metal property* is either ferrous or nonferrous metals. [13A-8-30(3)]

If you find that the State has proved beyond a reasonable doubt each of the elements of the offense of giving false information to a secondary metals recycler, then you shall find the Defendant guilty of giving false information to a secondary metals recycler.

If you find that the State has failed to prove beyond a reasonable doubt any one or more of the elements of the offense of giving false information to a secondary metals recycler, then you cannot find the defendant guilty of giving false information to a secondary metals recycler.

### Use Notes

The statute does not state a specific mens rea element.

The statute does not state a specific mens rea element. Insert the appropriate mens rea element considering the indictment and the evidence before the court. There are few, if any, strict liability offenses in the Code. See Commentary for 13A-2-3 and 13A-2-4(b). There are four mens rea elements in the Alabama Code: intentionally, knowingly, recklessly and with criminal negligence. See 13A-2-2.

1. 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)]
2. A person acts *knowingly* with respect to conduct or to a circumstance described by a statute defining an offense he/she is aware that his/her conduct is of that nature or that the circumstance exists. [13A-2-2(2)]
3. A person acts *recklessly* with respect to a result or to a circumstance when he/she is aware of and consciously disregards a substantial and unjustifiable risk that the risk will occur or that the circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. [13A-2-2(3)]
4. A person acts with *criminal negligence* with respect to a result or to a circumstance when he/she fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation. A court or jury may consider statutes or ordinances regulating the defendant's conduct as bearing upon the question of criminal negligence. [13A-2-2(4)]

This article does not apply to purchases of metal property from certain persons. [13A-8-35]

[Approved 3-23-15.]