

**Ala. Code 1975, § 13A-9-50**

**Receiving Deposits in Failing Financial Institution**

The defendant is charged with receiving deposits in a failing financial institution.

A person commits the crime of receiving deposits in failing financial institution if, as an officer, manager or other person participating in the direction of a financial institution, he/she knowingly receives or permits the receipt of funds, a general deposit or other investment, knowing or having reason to believe that (1) due to financial difficulties the institution is about to suspend operations or go into receivership or reorganization, and (2) the person making the deposit or other payment is unaware of the precarious situation of the institution.

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

- (1) The Defendant was an officer, manager, or other person participating in the direction of a financial institution, **[describe the institution]**;
- (2) The Defendant knowingly received or permitted the receipt of funds, a general deposit or other investment;
- (3) The Defendant knew or had reason to believe that:
  - (A) Due to financial difficulties the institution was about to suspend operations or go into receivership or reorganization; **(AND)**
  - (B) The person making the deposit or other payment was unaware of the precarious situation of the institution.

*Financial Institution* means a bank, insurance company, credit union, safety deposit company, savings and loan association, investment trust, or other organization held out to the public as a place of deposit of funds or medium of savings or collective investment. [13A-8-1(4)]

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 receiving deposits in a failing financial institution, then you shall find the defendant guilty of receiving deposits in a failing financial institution.

If you find that the State has failed to prove any one or more of the elements of receiving deposits in a failing financial institution, then you cannot find the defendant guilty of receiving deposits in a failing financial institution.

[Approved 02-27-17.]