

Ala. Code 1975, § 13A-9-91(c)

Illegal Possession of Food Stamps in the Second Degree
(Presents)

The defendant is charged with illegal possession of food stamps in the second degree.

A person commits the crime of illegal possession of food stamps in the second degree if he/she presents or causes to be presented food stamp coupons for payment or redemption knowing the same to have been received, transferred, or used in any manner not authorized by the Food Stamp Act of 1977 or the regulations pursuant to the act, and the food stamps exceed \$500 in value but do not exceed \$2,500 in value.

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

- (1) The defendant presented or caused to be presented food stamp coupons for payment or redemption knowing the same to have been received, transferred, or used in a manner not authorized by the Food Stamp Act of 1977 or the regulations pursuant to the act;
- (2) The food stamps exceeded \$500 in value but did not exceed \$2,500 in value; **(AND)**
- (3) The Defendant did so knowingly.

Food stamp coupon is any coupon, stamp or type of certificate issued pursuant to the provisions of the Food Stamp Act of 1977. [13A-9-90(1)]

Food stamp authorization card is a document issued by the state agency to an eligible household which shows the total value of coupons the household is authorized to receive during each month pursuant to the provisions of the Food Stamp Act of 1977. [13A-9-90(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)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the elements of illegal possession of food stamps in the second degree, then you shall find the defendant guilty of illegal possession of food stamps in the second degree.

If you find that the State has failed to prove beyond a reasonable doubt any one or more of the elements of illegal possession of food stamps in the second degree, then you cannot find the defendant guilty of illegal possession of food stamps in the second degree.

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

Use Notes

See The Food Stamp Act of 1977, 7 U.S.C. §2011 *et seq.*, and its duly promulgated regulations if necessary.

The federal statute definition of food stamp coupon includes EBT. See 7 U.S.C. §2012(d).

[Approved 9-11-15.]