

**Ala. Code 1975, §15-23-20**

**Refusing to Deliver Commission Record**

The defendant is charged with refusing to deliver a commission record.

A person commits the crime of refusing to deliver a commission record if he/she is a member, agent or employee of the Alabama Crime Victims Compensation Commission and he/she possesses a record of the commission and refuses to deliver up such record upon proper request of a person lawfully entitled to receive the same.

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

- (1) The defendant was a member, agent or employee of the Alabama Crime Victim's Compensation Commission;
- (2) The defendant possessed a record of the commission, **[insert name or description of record]**;
- (3) The defendant refused to deliver up such record upon proper request of a person lawfully entitled to receive the same; **(AND)**
- (4) The Defendant acted **[insert appropriate mens rea element - See Use Notes]**.

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of refusing to deliver a commission record, then you shall find the defendant guilty of refusing to deliver a commission record.

If you find that the State has failed to prove any one or more of the elements of the offense of refusing to deliver a commission record, then you cannot find the defendant guilty of refusing to deliver a commission record.

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

**Use Notes**

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 when 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)]

[Approved 05/09/19]