

**Ala. Code 1975, §31-13-14(b)**

**Vital Records Identity Fraud**

The defendant is charged with vital records identity fraud.

A person commits the crime of vital records identity fraud related to birth, death, marriage, and divorce certificates if he/she does any of the following:

- (1) Supplies false information intending that the information be used to obtain a certified copy of a vital record.
- (2) Makes, counterfeits, alters, amends, or mutilates any certified copy of a vital record without lawful authority and with the intent to deceive.
- (3) Obtains, possesses, uses, sells, or furnishes, or attempts to obtain, possess, or furnish to another a certified copy of a vital record, with the intent to deceive.

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

1. **[Read as appropriate based on the facts]:**

The defendant supplied false information intending that the information be used to obtain a certified copy of a vital record; **[OR]**

The defendant made, counterfeited, altered, amended, or mutilated any certified copy of a vital record without lawful authority and with the intent to deceive; **[OR]**

The defendant obtained, possessed, used, sold, or furnished, or attempted to obtain, possess, or furnish to another a certified copy of a vital record, with the intent to deceive;

**(AND)**

2. The defendant acted knowingly.

A person acts *knowingly* with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his 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 vital records identity fraud, then you shall find the defendant guilty of the offense of vital records identity fraud.

If you find that the State has failed to prove beyond a reasonable doubt any one or more of the elements of dealing in vital records identity fraud, then you

cannot find the defendant guilty of vital records identity fraud.

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

### **Use Notes**

This section shall not apply to any of the following:

- (1) A person less than 21 years of age who uses the identification document of another person to acquire an alcoholic beverage.
- (2) A person less than 19 years of age who uses the identification documents of another person to acquire any of the following:
  - a. Cigarettes or tobacco products.
  - b. A periodical, videotape, or other communication medium that contains or depicts nudity.
  - c. Admittance to a performance, live or film, that prohibits the attendance of the person based on age.
  - d. An item that is prohibited by law for use or consumption by such person.

If any apply, a charge should be given setting out the listed defense or defenses followed by the phrase: "is a defense to a prosecution for this offense."

[31-13-14(d)]

Note that there is no mens era stated in the statute.

This section shall be stayed when the defendant is a victim or critical witness, etc., under certain circumstances. [31-13-20]

[Approved April 26, 2024]