**14-1648. Insurance; false statement or representation; essential elements.**

 For you to find the defendant guilty of making a false statement or representation relative to an insurance policy [as charged in Count \_\_\_\_\_\_\_]1, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

 1. The defendant made a false or fraudulent statement or representation [on an application for an insurance policy] [or] [relative to an application for an insurance policy];

 2. The statement or representation was made for the purpose of obtaining any fee, commission or benefit from an insurer, agent, broker or individual;

 3. The defendant [knew the statement to be untrue]2 [or] [acted with reckless disregard of the truth];

 4. This happened in New Mexico on or about the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_.

USE NOTES

 1. Insert the count number if more than one count is charged.

 2. Use only applicable alternative or alternatives.

[Approved, effective January 20, 2005.]