

14-1646. Insurance; false claims or proof of loss; essential elements.

For you to find the defendant guilty of making a [false claim]¹ [false proof of loss]¹ [as charged in Count _____]², the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant [presented]³ [or] [caused to be presented] [a false or fraudulent claim]¹ [any proof in support of a false or fraudulent claim for payment of loss under an insurance policy];
2. The [claim] [proof in support of a claim for payment] was made for the purpose of obtaining any money or benefit;
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. If both making a false claim and presenting proof in support of a fraudulent claim are in issue, a separate elements instruction must be prepared for each issue.

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

3. Use applicable alternative or alternatives.

[Approved, effective January 20, 2005.]