**14-1647. Insurance; false or fraudulent account; essential elements.**

 For you to find the defendant guilty of making preparing, making or signing a false or fraudulent account, [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 prepared, made or signed a false or fraudulent [account,]2 [certificate,] [affidavit] [proof of loss] [or] [\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*other document*)];

 2. The defendant intended that the [account,]2 [certificate,] [affidavit] [proof of loss] [or] [\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*other document*)] be presented or used in support of a claim for payment of a loss under an insurance policy;

 3. The defendant [knew the statement to be untrue]2 [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.]