

FALSE PERSONATION
(B Misdemeanor)
PENAL LAW 190.23
(Committed on or after Jan. 1, 1998)

The _____ count is False Personation.

Under our law, a person is guilty of False Personation when, after being informed of the consequences of such act, he or she knowingly misrepresents his or her actual name, date of birth or address to a police officer or peace officer with intent to prevent such police officer or peace officer from ascertaining such information.

Some of the terms used in this definition have their own special meaning in our law. I will now give you the meaning of the following terms: “consequences” “knowingly” and “intent.”

A person is informed of the CONSEQUENCES of misrepresenting his or her actual name, date of birth or address to an officer when that person is informed that the giving of such false information to an officer will subject that person to criminal liability.¹

A person KNOWINGLY misrepresents his or her actual name, date of birth or address to a police officer or peace officer when that person is aware that he or she misrepresents his or her actual name, date of birth or address to a police officer or peace officer.²

INTENT means conscious objective or purpose.³ Thus, a person acts with intent to prevent a police officer or peace officer from ascertaining his or her actual name, date of birth or address when that person’s conscious objective or purpose is to prevent such police officer or peace officer from ascertaining such information.

¹*In Re Travis S.*, 96 N.Y.2d 818 (2001).

² See Penal Law § 15.05 (2)

³ See Penal Law § 15.05 (1)

In order for you to find the defendant guilty of this crime, the People are required to prove, from all the evidence in the case, beyond a reasonable doubt, each of the following three elements:

1. That on or about (*date*), in the county of (*county*), the defendant (*defendant's name*), knowingly misrepresented his/her actual name, date of birth or address to a police officer or peace officer,
2. That the defendant did so after being informed of the consequences of doing so, and
3. That the defendant did so with intent to prevent the police officer or peace officer from ascertaining such information.

Therefore, if you find that the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of the crime of False Personation as charged in the _____ count.

On the other hand, if you find that the People have not proven beyond a reasonable doubt any one or more of those elements, you must find the defendant not guilty of the crime of False Personation as charged in the _____ count.