

FRAUDULENTLY OBTAINING A SIGNATURE
Penal Law § 165.20
(Committed on or after Sept. 1, 1967)

The (specify) count is Fraudulently Obtaining a Signature.

Under our law, a person is guilty of Fraudulently Obtaining a Signature when, with intent to defraud or injure another or to acquire a substantial benefit for himself or herself [*or* a third person], he or she obtains the signature of a person to a written instrument by means of any misrepresentation of fact which he or she knows to be false.

The following terms used in that definition have a special meaning:

INTENT means conscious objective or purpose.¹ Thus, a person acts with intent to defraud or injure another or to acquire a substantial benefit for himself or herself [*or* a third person] when that person's conscious objective or purpose is to defraud or injure another or to acquire a substantial benefit for himself or herself [*or* a third person].

OBTAIN includes, but is not limited to, the bringing about of a transfer or purported transfer of property or a service, or of a legal interest therein, whether to the obtainer or another.²

The term WRITTEN INSTRUMENT includes any instrument or article, [including computer data or a computer program,³] containing written or printed matter or the equivalent thereof, used for the purpose of reciting, embodying, conveying or recording

¹ See Penal Law § 15.05(1).

² See Penal Law § 155.00(2).

³ If the meaning of "computer data" or "computer program" is in issue, see definitions of those terms in Penal Law § 156.00(2) and (3).

information [*or* constituting a symbol or evidence of value, right, privilege or identification], which is capable of being used to the advantage or disadvantage of some person.⁴

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, both of the following two elements:

1. That on or about (date), in the county of (county), the defendant, (defendant's name), obtained the signature of (specify) on a written instrument by means of a misrepresentation of fact which the defendant knew to be false; and
2. That the defendant did so with the intent to defraud or injure another person or to acquire a substantial benefit for himself/herself [*or* a third person].

If you find the People have proven beyond a reasonable doubt both of those elements, you must find the defendant guilty of this crime.

If you find the People have not proven beyond a reasonable doubt either one or both of those elements, you must find the defendant not guilty of this crime.

⁴See Penal Law § 170.00(1).