

**14-1645. Insurance policies; false applications; essential elements.**

For you to find the defendant guilty of making a false application, [as charged in Count \_\_\_\_\_]<sup>1</sup>, 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 as to any application for insurance [or] \_\_\_\_\_ (*describe other coverage*);

2. The false statement or representation was material to the application for insurance which means the statement or representation had a natural tendency to influence the decision of \_\_\_\_\_ (*insert name of insurance company or other provider of coverage*).

3. The defendant [knew the statement to be untrue]<sup>2</sup> [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.]