

N.C.P.I.—Crim. 228.30

PRESENTING A FALSE STATEMENT TO PROCURE BENEFIT OF INSURANCE POLICY—CLAIM OF \$100,000 OR MORE. FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT FEBRUARY 2024

N.C. Gen. Stat. § 58-2-161(b)(1)

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228.30 PRESENTING A FALSE STATEMENT TO PROCURE BENEFIT OF INSURANCE POLICY—CLAIM OF \$100,000 OR MORE. FELONY.

*NOTE WELL: Use this instruction when the defendant presents a false statement and the insurer is the one defrauded.*

*NOTE WELL: For situations involving an alleged fraudulent denial of insurance benefits use N.C.P.I.—Crim. 228.30A.*

The defendant has been charged with presenting a false statement under an insurance policy with the intent to defraud the insurance company with a claim of \$100,000 or more.

For you to find the defendant guilty of this offense the State must prove six things beyond a reasonable doubt:

First, that an insurance policy existed between (*name insured*) and (*name insurer*).

Second, that the defendant [presented] [caused to be presented] a [written] [oral] statement<sup>1</sup> [as part of] [in support of] a claim for [payment] [a benefit] pursuant to the insurance policy.

Third, that the statement contained false or misleading information concerning a fact or a matter material to the claim.

Fourth, that the defendant knew the statement contained false or misleading information concerning a fact or matter material to the claim.

Fifth, that the defendant acted with the intent<sup>2</sup> to [injure] [defraud] [deceive] (*name insurer*).

And Sixth, the amount of the claim for payment or other benefit was \$100,000 or more.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date an insurance policy existed between (*name insured*)

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and (*name insurer*), and that the defendant [presented] [caused to be presented] a [written] [oral] statement [as part of] [in support of] a claim for [payment] [a benefit] pursuant to the insurance policy, the statement contained false or misleading information concerning a fact or a matter material to the claim, the defendant knew the statement contained false or misleading information concerning a fact or matter material to the claim, the defendant acted with the intent to [injure] [defraud] [deceive] the (*name insurer*), and the amount of the claim for payment or other benefit was \$100,000 or more, it would be your duty to return a verdict of guilty of presenting a false statement under an insurance policy with the intent to defraud the insurance company with a claim of \$100,000 or more. However, if you do not so find or have a reasonable doubt as to one or more of these things, you will not return a verdict of guilty of presenting a false statement under an insurance policy with the intent to defraud the insurance company with a claim of \$100,000 or more, but must determine whether the defendant is guilty of presenting a false statement under an insurance policy with the intent to defraud the insurance company.

Presenting a false statement under an insurance policy with the intent to defraud the insurance company differs from presenting a false statement under an insurance policy with the intent to defraud the insurance company with a claim of \$100,000 or more in that the amount of the claim for payment or other benefit need not be \$100,000 or more.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date an insurance policy existed between (*name insured*) and (*name insurer*), and that the defendant [presented] [caused to be presented] a [written] [oral] statement [as part of] [in support of] a claim for [payment] [a benefit] pursuant to the insurance policy, the statement

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contained false or misleading information concerning a fact or a matter material to the claim, the defendant knew the statement contained false or misleading information concerning a fact or matter material to the claim, and the defendant acted with the intent to [injure] [defraud] [deceive] the (*name insurer*), it would be your duty to return a verdict of guilty of presenting a false statement under an insurance policy with the intent to defraud the insurance company. However, if you do not so find, or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

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1. For a definition of "statement" see N.C. Gen. Stat. § 58-2-161(b)(2).

2. For the definition of "intent" see N.C.P.I.—Crim. 120.10.