

N.C.P.I.—Crim. 228.30.1  
PRESENTING A FALSE STATEMENT TO PROCURE BENEFIT OF INSURANCE  
POLICY—CLAIM OF LESS THAN \$100,000. FELONY.  
GENERAL CRIMINAL VOLUME  
FEBRUARY 2024  
N.C. Gen. Stat. § 58-2-161(b)(1)  
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228.30.1 PRESENTING A FALSE STATEMENT TO PROCURE BENEFIT OF  
INSURANCE POLICY—CLAIM OF LESS THAN \$100,000. 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.1.*

The defendant has been charged with presenting a false statement  
under an insurance policy with the intent to defraud the insurance company.

For you to find the defendant guilty of this offense the State must prove  
five 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*).

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.