

N.C.P.I.—Crim. 228.30A
PRESENTING A FALSE STATEMENT TO DENY 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)

228.30A PRESENTING A FALSE STATEMENT TO DENY 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 insurance claimant is the one injured.

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

The defendant has been charged with presenting a false statement under an insurance policy with the intent to defraud an insurance claimant 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] [coverage] existed between (*name [insured] [insurance claimant]*) and (*name insurer*).

Second, that the defendant [presented] [caused to be presented] a [written] [oral] statement¹ in opposition to a claim for [payment] [a benefit] pursuant to the insurance [policy] [coverage].

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 intent² to [injure] [defraud] [deceive] (*name insurance claimant*).

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] [coverage] existed between

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(*name [insured] [insurance claimant]*) and (*name insurer*), that the defendant [presented] [caused to be presented] a [written] [oral] statement in opposition to a claim for [payment] [a benefit] pursuant to the insurance [policy] [coverage], 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, that the defendant acted with the intent to [injure] [defraud] [deceive] (*name insurance claimant*), 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 to deny benefit of insurance policy 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 to deny benefit of insurance policy with a claim of \$100,000 or more, but must determine whether the defendant is guilty of presenting a false statement to deny benefit of insurance policy.

Presenting a false statement to deny benefit of insurance policy differs from of presenting a false statement to deny benefit of insurance policy 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] [coverage] existed between (*name [insured] [insurance claimant]*) and (*name insurer*), and that the defendant [presented] [caused to be presented] a [written] [oral] statement in opposition to a claim for [payment] [a benefit] pursuant to the insurance [policy] [coverage], the statement contained false or misleading information concerning a fact or a matter material to the claim, the defendant knew the

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statement contained false or misleading information concerning a fact or matter material to the claim, that the defendant acted with the intent to [injure] [defraud] [deceive] (*name insurance claimant*), it would be your duty to return a verdict of guilty of presenting a false statement to deny benefit of insurance policy. 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.

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

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