

N.C.P.I.—Crim. 228.30A.1  
PRESENTING A FALSE STATEMENT TO DENY BENEFIT OF INSURANCE  
POLICY—CLAIM LESS THAN \$100,000. FELONY.  
GENERAL CRIMINAL VOLUME  
FEBRUARY 2024  
N.C. Gen. Stat. § 58-2-161(b)(1)  
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228.30A.1 PRESENTING A FALSE STATEMENT TO DENY BENEFIT OF  
INSURANCE POLICY—CLAIM LESS THAN \$100,000. 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. 228.30.1.*

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

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] [coverage] existed between (*name [insured] [insurance claimant]*) and (*name insurer*).

Second, that the defendant [presented] [caused to be presented] a [written] [oral] statement<sup>1</sup> 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.

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

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

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[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, and 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.

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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.