

Arizona Peace Officer Standards and Training

Basic Curriculum Model Lesson Plan

LESSON TITLE: SUBSTANTIVE CRIMINAL LAW 2.11

SUBJECT:	Substantive Criminal Law
AZ POST DESIGNATION:	2.11 Chapter 20 Forgery
HOURS:	.5
COURSE CONTENT:	An analysis of the most frequently used statutes in this chapter.
PERFORMANCE OBJECTIVES:	Upon completion of this course of instruction, students using notes, handouts and other support materials as references, within the allotted time, will: <ul style="list-style-type: none">2.11.20.1 Identify the definitions of forgery-related offenses per A.R.S. §§13-2003 through 13-2009.2.11.20.2 Given a written, verbal or visual description depicting the possible commission of one (1) of the following crimes, identify if a crime occurred and, if so, the common crime name and classification:<ul style="list-style-type: none">A. Forgery (A.R.S. §13-2002).

DATE FIRST PREPARED: November 2000

PREPARED BY: SME Committee

REVIEWED – REVISED:	SME Committee	DATE: May 2002
REVIEWED – REVISED :	Sgt. George Sloane 12817, T. P.D.	DATE: August 2002
REVIEWED – REVISED:	SME Committee	DATE: April 2003
REVIEWED – REVISED :	Sgt. George Sloane 12817, T.P.D.	DATE: January 2004
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REVIEWED – REVISED :	SME Committee	DATE: October 2010
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REVIEWED – REVISED:	SME Committee	DATE: August 2019
REVIEWED – REVISED:	SME Committee	DATE: February 2021
REVIEWED – REVISED :	AZPOST (DocX)	DATE: January 2022
AZ POST – APPROVAL:	Steve Enteman	DATE: August 2019
AZ POST – APPROVAL:	Mandy Faust	DATE: February 2021
AZ POST – APPROVAL:	Lori Wait	DATE: January 2022

INSTRUCTOR REFERENCES: A.R.S. Title 13

CLASS LEVEL: Student

TRAINING AIDS: <http://www.azleg.gov/ArizonaRevisedStatutes.asp>

INSTRUCTIONAL STRATEGY: Interactive lecture.

SUCCESS CRITERIA: 70% or higher on a written, multiple-choice examination.

COMPUTER FILE NAME: 2-11 Ch 20 Forgery & related

DATE RELEASE TO THE SHAREFILE: May 27, 2022

I. INTRODUCTION

- A. Instructor – (self) introduction.
- B. Preview of performance objectives. **INSTRUCTOR NOTE:** *Use if taught as a “Stand alone” lesson plan.*

II. 13-2001 – DEFINITIONS

Implied by P. O. 2.11.20.1

- A. Access device – means any card, token, code, account number, electronic serial number, mobile or personal identification number, password, encryption key, biometric identifier or other means of account access, including a canceled or revoked access device that can be used alone, or in conjunction with another access device, to obtain money, goods, services, computer or network access or any other thing of value that can be used to initiate a transfer of anything of value.
- B. Coin machine – means a coin box, turnstile, vending machine or other mechanical, electrical or electronic device or receptacle designed to receive a coin or bill of a certain denomination or a token made for such purpose and in return for the insertion or deposit thereof, automatically to offer, provide, assist in providing or permit the acquisition or use of some property or service.
- C. Slug – means an object, article or device which by virtue of its size, shape or any other quality, is capable of being inserted, deposited or otherwise used in a coin machine as a fraudulent substitute for a genuine token, lawful coin or bill of the United States.
- D. Written instrument – means any paper, document or other instrument containing written or printed matter (or its equivalent) or any token, stamp, seal, badge, trademark or other evidence or symbol of value, right, privilege or identification.
- E. Forged instrument – means any written instrument which has been falsely made, completed or altered.
- F. Complete written instrument – means a written instrument that purports to be genuine and fully drawn with respect to every essential feature.
- G. Incomplete written instrument - means a written instrument which contains some matter by way of content or authentication, but which requires additional matter to render it a complete written instrument.
- H. To falsely alter a written instrument – means to change, (without the permission of anyone entitled to grant it) a written instrument (whether complete or not) by means of erasure, obliteration, deletion, insertion of new matter, transportation of matter or in any other manner so that the altered instrument falsely appears, or purports to be, in all respects an authentic creation of its ostensible maker or authorized by him/her.
- I. To falsely complete a written instrument – means to transform an incomplete written

instrument into a complete one by adding, inserting or changing matter without the permission of anyone entitled to grant it so that the complete written instrument falsely appears, or purports to be, in all respects an authentic creation of its ostensible maker or authorized by him/her.

- J. To falsely make a written instrument – means to make or draw a complete or incomplete written instrument which purports to be an authentic creation of its ostensible maker, but which is not either because the ostensible maker is fictitious or because, if real, he/she did not authorize the making or drawing of such written instrument.
- K. The terms "falsely make," "falsely complete" and "falsely alter" are key terms which collectively constitute the crime of forgery.
- L. In a sense, these comprise five (5) concepts rather than three (3) because "making" and "altering" have slightly different connotations with respect to "complete" instruments on the one hand and "incomplete" ones on the other.
- M. In brief, one commits forgery by committing any of the following acts:
 - 1. Falsely making a complete written instrument.
 - 2. Falsely making an incomplete written instrument.
 - 3. Falsely completing an incomplete written instrument.
 - 4. Falsely altering a complete written instrument.
 - 5. Falsely altering an incomplete written instrument.
- N. The meanings of these five (5) concepts can be illustrated by using a hypothetical situation.
- O. Assume that salary checks are drawn by T, the treasurer, though not signed by him/her and each employee customarily obtains his/her check from T in that form and then takes it to P, the president, for his/her signature as a drawer.
 - 1. E, an employee, simulating the handwriting of both T and P and not having authority of either, draws up in its entirety a purportedly authentic corporate check payable to himself/herself and tries to cash it.
 - 2. E has falsely made a complete written instrument.
 - 3. E, simulating T's handwriting, draws an incomplete check payable to himself/herself in T's customary manner and representing it as T's act, presents it to P for his/her signature.
 - 4. E has falsely made an incomplete written instrument.

5. E properly obtains his/her incomplete salary check from T, but E signs P's name to it without permission and tries to cash it.
 6. E has falsely completed an incomplete written instrument.
 7. E properly obtains his/her incomplete check from T and properly obtains P's signature, but then raises the amount and tries to cash it.
 8. E has falsely altered a complete written instrument.
 9. E properly obtains his/her incomplete check from T, but then raises the amount and presents it to P for his/her signature.
 10. E has falsely altered an incomplete written instrument.
- P. Personal identifying information – means a name, electronic identifier or screen name, biometric identifier, driver’s license number, access device, residence or mailing address, telephone number, employer number, student number, military identification number, social security number, birth date, savings or checking account number, charge card or debit card number, mother’s maiden name, fingerprint, retinal image, image of the iris or professional license number.

III. 13-2002 – FORGERY

P. O. 2.11.20.2A

- A. A person commits forgery if, with intent to defraud, such person:
1. Falsely makes, completes or alters a written instrument; or
 2. Knowingly possesses a forged instrument; or
 3. Offers or presents, whether accepted or not, a forged instrument or one which contains false information.
- B. Forgery is a felony.

IV. 13-2003 – CRIMINAL POSSESSION OF A FORGERY DEVICE

P. O. 2.11.20.1

- A. A person commits criminal possession of a forgery device if such person:
1. Makes or possesses with knowledge of its character any plate, die or other device, apparatus, equipment software, access device, article, material, good, property or supply specifically designed or adapted for use in forging written instruments.
 2. Makes or possesses any device, apparatus, equipment software, access device, article, material, goods, property or supply adaptable for use in forging written instruments with

intent to use it or to aid or permit another to use it for purposes of forgery.

- B. Violation of A (1) is a felony, violation of A (2) is a felony offense.

V. 13-2004 – CRIMINAL SIMULATION

P. O. 2.11.20.1

- A. A person commits criminal simulation if, with intent to defraud, such person makes, alters or presents or offers (whether accepted or not) any object so that it appears to have an antiquity, rarity, source, authorship or value that it does not, in fact, possess.
- B. Generally, this paragraph addresses the problems of forged art treasures or the sale of faked antiques or rare natural objects. It requires the intent to defraud.
- C. This is a felony.

VI. 13-2005 – OBTAINING A SIGNATURE BY DECEPTION

P. O. 2.11.20.1

- A. A person commits obtaining a signature by deception if, with intent to defraud, such person obtains the signature of another person to a written instrument by knowingly misrepresenting or omitting any fact material to the instrument or transaction.
- B. This is a misdemeanor violation.

VII. 13-2006 – CRIMINAL IMPERSONATION

P. O. 2.11.20.1

- A. A person commits criminal impersonation by:
1. Assuming a false identity with the intent to defraud another; or
 2. Pretending to be a representative of some person or organization with the intent to defraud; or
 3. Pretending to be, or assuming a false identity of, an employee or a representative of some person or organization with the intent to induce another person to provide or allow access to property. ***INSTRUCTOR NOTE: This does NOT include peace officers acting in the performance of their duties.***
- B. The student should take care and NOT confuse this with A.R.S. §13-2406, Impersonating a Public Servant.
- C. This statute, A.R.S. §13-2006, would cover Mr. X going door to door collecting for the March of Dimes and presenting himself as a representative of that organization, but actually keeping the money for himself.
- D. Criminal impersonation is a felony.

VIII. 13-2007 – UNLAWFUL USE OF SLUGS

P. O. 2.11.20.1

- A. A person commits unlawful use of a slug if:
 - 1. With intent to defraud the supplies of property or a service sold or offered by means of a coin machine, such person inserts, deposits or otherwise uses a slug in such machine; or
 - 2. Such a person makes, possesses, offers for sale or disposes of a slug with intent to enable a person to use it fraudulently in a coin machine.
- B. Unlawful use of slugs is a misdemeanor offense.

IX. 13-2008 – TAKING THE IDENTITY OF ANOTHER PERSON

P. O. 2.11.20.1

- A. A person commits taking the identity of another person or entity if the person knowingly takes, purchases, manufactures, records, possesses or uses any personal identifying information or entity identifying information of another person or entity, including a real or fictitious person or entity, without the consent of that other person or entity, with the intent to obtain or use the other person's or entity's identity for any unlawful purpose or to cause loss to a person or entity whether or not the person or entity actually suffers any economic loss as a result of the offense, or with the intent to obtain or continue employment.
- B. On the request of a person or entity, a peace officer in any jurisdiction in which an element of an offense under this section is committed, a result of an offense under this section occurs or the person or entity whose identity is taken or accepted resides or is located shall take a report. The peace officer may provide a copy of the report to any other law enforcement agency that is located in a jurisdiction in which a violation of this section occurred.
- C. If a defendant is alleged to have committed multiple violations of this section within the same county, the prosecutor may file a complaint charging all of the violations and any related charges under other sections that have not been previously filed in the justice of the peace precinct in which the greatest number of violations are alleged to have occurred.
- D. Taking the identity of another person or entity or knowingly accepting the identity of another person is a felony. **INSTRUCTOR NOTE:** 13-2008 does not apply to a violation of 4-241 by a person under 21 years of age.

X. 13-2009 – AGGRAVATED TAKING THE IDENTITY OF ANOTHER PERSON

P. O. 2.11.20.1

- A. Person commits taking the identity of another person or entity if the person knowingly takes, purchases, manufactures, records, possesses or uses any personal identifying information or entity identifying information of either:
 - 1. Three or more other person or entities, including real or fictitious persons or entities, without the consent of the other persons' or entities' identities for any unlawful purpose or to cause loss to the persons or entities whether or not the persons or entities.

2. Another person or entity, including a real or fictitious person or entity, without the consent of that other person or entity, with the intent to obtain or use the other person's or entity's identity for any unlawful purpose and causes another person or entity to suffer an economic loss of three thousand dollars or more.
 3. Another person, including a real or fictitious person, with the intent to obtain employment.
- B. A person commits knowingly accepting the identity of another person if the person, in hiring an employee, knowingly does both of the following:
1. Accepts any personal identifying information of another person from an individual and knows that the individual is not the actual person identified by that information.
 2. Uses that identity information for the purpose of determining whether the individual who presented that identity information has the legal right or authorization under federal law to work in the United States as described and determined under the processes and procedures under 8 United States Code Section 1324a.
- C. Aggravated taking the identity of another person or entity is a class 3 felony. **INSTRUCTOR NOTE:** 13-2009 does not apply to a violation of 4.241 by a person under 21 years of age.

XI. 13-2010. TRAFFICKING IN THE IDENTITY OF ANOTHER PERSON OR ENTITY; CLASSIFICATION

- A. A person commits trafficking in the identity of another person or entity if the person knowingly sells, transfers or transmits any personal identifying information or entity identifying information of another person or entity, including a real or fictitious person or entity, without the consent of the other person or entity for any unlawful purpose or to cause loss to the person or entity whether or not the other person or entity actually suffers any economic loss, or allowing another person to obtain or continue employment.
- B. Trafficking in the identity of another person or entity is a class 2 felony.

XII. ADMISSION TICKETS; FRAUDULENT CREATION OR POSSESSION

- A. It is unlawful for a person, with intent to defraud, to forge, alter or possess any ticket, token or paper that is designed for admission to or for the rendering of services by any sports, amusement, concert or other facility that offers services to the general public.
- B. A person who violates this section is guilty of a misdemeanor. **INSTRUCTOR NOTE:** 13-2010 does not apply to a violation of 4-241 by a person under 21 years of age.

XIII. CONCLUSION

- A. Review of performance objectives.

- B. Final questions and answers.
- C. Instructor closing comment(s).