

FRAUDULENT INSURANCE CLAIM

The defendant is charged with having made a fraudulent insurance claim, in violation of section 111A of chapter 266 of our General Laws.

In order to prove the defendant guilty of this offense, the Commonwealth must prove four things beyond a reasonable doubt:

First: That the defendant (presented to an insurance company) (aided in presenting to an insurance company) (procured the presentation to an insurance company of) a notice, statement, proof of loss, or other written document in connection with or in support of a claim under an insurance policy;

Second: That such written document contained a false statement about a matter that was significant to that claim;

Third: That the defendant knew that the statement was false; and

Fourth: That the defendant intended to injure, defraud or deceive the insurance company.

See also Instructions 3.140 (Knowledge) and 3.120 (Intent).

NOTE:

Other insurance fraud. General Laws c. 266, § 111B covers misrepresentations made in connection with claims under a motor vehicle, theft, or comprehensive insurance policy, whereas § 111A covers fraudulent claims for *all* types of insurance. While § 111B also covers situations involving fraudulent *applications* for the specified types of insurance, § 111A covers only fraudulent *claims*. The instruction should be modified as required. For example of a case brought under § 111B, see *Commonwealth v. Chery*, 36 Mass. App. Ct. 913, 628 N.E.2d 27 (1994).