

## **GIVING FALSE INFORMATION AFTER ARREST**

G.L. c. 268, § 34A

[The statute was amended effective April 13, 2018. See st. 2018, c. 69, § 156. Previously it pertained only to giving a false name or Social Security number.]

**The defendant is charged with knowingly and willfully giving false information to a police officer after being arrested.**

**In order to prove the defendant guilty of this offense, the Commonwealth must prove the following three things beyond a reasonable doubt.**

***First:* That the defendant was arrested;**

***Second:* That the defendant then gave a false (name) (Social Security number) (date of birth) (home address) (mailing address) (phone number) (information requested for the purposes of establishing the person's identity) to a law enforcement (officer) (official); (and)**

**and *Third:* That the defendant did so knowingly and willfully; that is, he (she) intentional gave the police that information for a dishonest purpose.**

*Commonwealth v. Clark*, 446 Mass. 620 (2006).

## SUPPLEMENTAL INSTRUCTIONS

**1. False Name** The law permits a person to change his (her) name at will, without resort to legal proceedings, merely by adopting another name, as long as he (she) is not using that name for a dishonest purpose. For purposes of this charge, a false name is one used for a dishonest purpose.

**2. Examples of dishonest purposes** Dishonest purposes include, but are not limited to, concealing one's criminal record to avoid being charged as a multiple offender, concealing one's criminal record to obtain more favorable bail consideration, concealing one's identity to avoid answering to an outstanding warrant, or creating a new identity in order to default and avoid prosecution on the charge for which one has been arrested.

*Clark, supra.*

**3. Prior identification to police using different name** If a person previously has identified himself (herself) to any police department using information that is different from that

**which he (she) used following this arrest and failed to disclose his (her) prior use of that different information, you are permitted to infer that his (her) failure to make such disclosure was for a honest purpose and that he (she) was using false information. You do not have to draw this inference, but you may do so. It is entirely up to you.**

*Clark, supra.*

**4. Proof of true name unnecessary** **The Commonwealth does not have to prove the defendant's true information. The Commonwealth is required to prove that he (she) used false information, that is, that he (she) used information for a dishonest purpose.**

*Clark, supra.*