

**10.18 [ALTERING OR REMOVING FIREARM SERIAL NUMBER WITH
INTENT TO DISGUISE TRUE IDENTITY] [POSSESSION OR SALE OR
DELIVERY OF FIREARM WITH SERIAL NUMBER ALTERED OR REMOVED]**
§ 790.27, Fla. Stat.

To prove the crime of (name of crime), **the State must prove the following**
[two] [three] elements beyond a reasonable doubt:

Give only if § 790.27(1)(a), Fla. Stat. is charged.

- 1. (Defendant) knowingly [altered] [removed] the [manufacturer's]
[importer's] serial number from a firearm.**
- 2. (Defendant) did so with the intent to disguise the true identity of
the firearm.**

Give only if § 790.27(2)(a), Fla. Stat. is charged.

- 1. (Defendant) knowingly [sold] [delivered] [possessed] a firearm.**
- 2. The [manufacturer's] [importer's] serial number had been unlawfully
[altered] [removed].**
- 3. (Defendant) knew the serial number had been [altered] [removed].**

§ 790.001, Fla. Stat.

**A “firearm” means any weapon (including a starter gun) which will, is
designed to, or may readily be converted to expel a projectile by the action of an
explosive[; the frame or receiver of any such weapon;] [any firearm muffler or
firearm silencer;] [any destructive device;] [or] [any machine gun].**

Give if possession charged.

To prove (defendant) **“possessed a firearm,” the State must prove beyond a
reasonable doubt that [he] [she]: a) knew of the existence of the firearm; and b)
intentionally exercised control over the firearm.**

Give if applicable.

**Control can be exercised over a firearm whether the firearm is carried on a
person, near a person, or in a completely separate location. Mere proximity to a
firearm does not establish that the person intentionally exercised control over
the firearm in the absence of additional evidence. Control can be established by
proof that (defendant) had direct personal power to control the firearm or the
present ability to direct its control by another.**

Joint possession. Give if applicable.

**Possession of a firearm may be sole or joint, that is, two or more persons
may possess a firearm.**

Lesser Included Offense

[ALTERING OR REMOVING FIREARM SERIAL NUMBER WITH INTENT TO DISGUISE TRUE IDENTITY] [POSSESSION OR SALE OR DELIVERY OF FIREARM WITH SERIAL NUMBER ALTERED OR REMOVED]—790.27

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Attempt	777.04(1)	5.1

Comment

This instruction was adopted in 2009 [6 So. 3d 574] and amended in 2019.