

**21.7 GIVING FALSE NAME OR IDENTIFICATION TO LAW ENFORCEMENT
OFFICER ADVERSELY AFFECTING ANOTHER**

§ 901.36(2), Fla. Stat.

To prove the crime of Giving False Name or Identification to Law Enforcement Officer Adversely Affecting Another, the State must prove the following four elements beyond a reasonable doubt.

- 1.** (Defendant) was [arrested] [lawfully detained] by a law enforcement officer.
- 2.** (Defendant) [gave a false name] [falsely identified [himself] [herself] in any way] as (victim) **to** (name of officer or county jail personnel).
- 3.** **At the time,** (name of officer or county jail personnel) was [a law enforcement officer] [personnel of a county jail].
- 4.** (Victim) was adversely affected by the unlawful use of [his] [her] [name] [identification].

The court now instructs you that every (name of official position of [officer] [county jail personnel]) **is** [an officer] [personnel of a county jail] **within the meaning of this law.**

In giving this instruction, do not refer to the [officer] [county jail personnel] by name. The instruction must state the class of officer or personnel to which the individual named in the charge belongs, e.g., deputy sheriff, correctional officer, booking officer. See Wright v. State, 586 So. 2d 1024 (Fla. 1991).

Give if lawfully detained is charged.

A person may be lawfully detained if the officer reasonably suspects that person violated or was about to violate the law.

Lesser Included Offenses

**21.7 GIVING FALSE NAME OR IDENTIFICATION TO LAW ENFORCEMENT OFFICER
ADVERSELY AFFECTING ANOTHER — § 901.36(2)**

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
False Name or ID to LEO*		901.36(1)*	21.7*
	None		

Comments

*The difference between the third degree felony in § 901.36(2), Fla. Stat., and the first degree misdemeanor in § 901.36(1), Fla. Stat., is that the felony requires the state to prove element #4. Accordingly, the first three elements in this instruction can be used for the misdemeanor lesser-included offense.

This instruction was adopted in 2008 [995 So. 2d 489] and amended in 2017.