

Approved 9/12/05

**FALSE CONTRACT PAYMENT CLAIMS  
[KNOWINGLY SUBMITS FALSE CLAIM]  
(N.J.S.A. 2C:21-34a)**

Count \_\_\_\_\_ of the indictment charges the defendant with knowingly submitting a false contract payment claim to the government.

**[READ COUNT OF THE INDICTMENT]**

The statute provides in pertinent part:

A person commits a crime if the person knowingly submits to the government any claim for payment for performance of a government contract knowing such claim to be false, fictitious, or fraudulent.

In order to convict the defendant of this charge, the State must prove the following elements beyond a reasonable doubt:

1. That the defendant knowingly submitted to the government a claim for payment;
2. That the claim submitted was for the performance of a government contract;
3. That the claim submitted for payment was false, fictitious, or fraudulent; and
4. That the defendant knew the claim submitted for payment was false, fictitious, or fraudulent.

The first element that the State must prove beyond a reasonable doubt is that defendant knowingly submitted to the government a claim for payment.

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A person acts knowingly with respect to the nature of his/her conduct or the attendant circumstances if he/she is aware that the conduct is of that nature or that such circumstances exist or the person is aware of a high probability of their existence. A person acts knowingly with respect to a result of the conduct if he/she is aware that it is practically certain that the conduct will cause such result. “Knowing,” “with knowledge,” or equivalent terms have the same meaning.

Knowledge is a condition of the mind. It cannot be seen. It can only be determined by inference from the defendant’s conduct, words or acts. A state of mind is rarely susceptible of direct proof but must ordinarily be inferred from the facts. Therefore, it is not necessary that the State produce witnesses to testify that an accused said that he/she had a certain state of mind when he/she did a particular thing. It is within your power to find that such proof has been furnished beyond a reasonable doubt by inference which may arise from the nature of his/her acts and conduct and from all he/she said and did at the particular time and place and from all the surrounding circumstances established by the evidence.

The second element that the State must prove beyond a reasonable doubt is that the claim was submitted for the performance of a government<sup>1</sup> contract.

The third element that the State must prove beyond a reasonable doubt is that the claim submitted for payment was false, fictitious, or fraudulent.

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<sup>1</sup> N.J.S.A. 2C:27-1b defines “government” as, “any branch, subdivision or agency of the government of the State or any locality within it.”

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The fourth element that the State must prove beyond a reasonable doubt is that the defendant knew the claim submitted for payment was false, fictitious, or fraudulent.

I have already defined knowingly.

If you find that the State has failed to prove any of the four elements beyond a reasonable doubt then you must find the defendant not guilty of the crime charged.

On the other hand, if you find that the State has proven all four elements beyond a reasonable doubt, then you must find the defendant guilty of the crime of submitting a false claim for payment on a government contract.

If you find the defendant guilty beyond a reasonable doubt you must then determine whether the State has proven beyond a reasonable doubt that the claim submitted was for:

**[CHARGE AS APPLICABLE]**

\$25,000 or above	(        );
more than \$2,500 but less than \$25,000	(        );
\$2,500 or less	(        ).