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## 2183 Jury Instruction -- Elements of 31 U.S.C. § 5324(a)(3)

NOTE: For violations committed between January 27, 1987 and October 27, 1992, 31 U.S.C. § 5324(3) is charged. For violations committed after October 28, 1992, 31 U.S.C. § 5324(a)(3) is charged.

The essential elements which must be proven beyond a reasonable doubt, in order to prove the offense charged in Count \_\_\_\_\_, which is a violation of [§ 5324(3)] [§ 5324(a)(3)] [FN1], are the following:

FN1. If appropriate, add title 31, U.S.C. § 5322(b) instruction.

FIRST, that the defendant had knowledge of the currency transaction reporting requirements;

SECOND, that the defendant knowingly and willfully [structured] or [assisted in structuring] or [attempted to structure] or [attempted to assist in structuring] a currency transaction;

THIRD, that the purpose of the structured [or attempted] transaction was to evade the currency transaction reporting requirements of § 5313(a);

FOURTH, that the defendant knew that structuring was unlawful; and

FIFTH, that the structured transaction(s) involved one or more domestic financial institutions.

You may find the defendant guilty of violating [§ 5324(3)] [§ 5324(a)(3)] whether or not the domestic financial institutions(s) filed or failed to file a true and accurate CTR. You may also find the requisite knowledge on defendant's part by drawing reasonable inferences from the evidence of defendant's conduct. In other words, if you find beyond a reasonable doubt that the defendant structured a transaction in currency with one or more financial institutions, that the defendant did so for the purpose of evading the transaction report requirement, and that defendant knew that structuring was unlawful, then you should find the defendant(s) guilty as charged, regardless of whether the domestic financial institution failed to file a true and accurate CTR. If you do not so find, then you should find the defendant not guilty.

Title 31, U.S.C. [§ 5324(3)] [§ 5324(a)(3)]; *Ratzlaf v. United States*, 510 U.S. 135 (1994).

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