

15.15 Access Devices—Unauthorized Solicitation (18 U.S.C. § 1029(a)(6))

The defendant is charged in [Count _____ of] the indictment with soliciting persons for the purpose of [offering] [selling information regarding] an access device in violation of Section 1029(a)(6) of Title 18 of the United States Code. For the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, the defendant knowingly solicited a person for the purpose of [offering an access device] [selling information regarding an access device] [selling information regarding an application to obtain an access device];

Second, the defendant solicited that person without authorization of the issuer of the access device;

Third, the defendant acted with the intent to defraud; and

Fourth, the defendant's conduct in some way affected commerce between one state and [an]other state[s], or between a state of the United States and a foreign country.

Comment

Use this instruction in conjunction with Instruction 15.16 (Access Device—Defined).

See Comment to Instruction 15.10 (Counterfeit Access Devices—Producing, Using, or Trafficking) and Comment to Instruction 15.11 (Unauthorized Access Devices—Using or Trafficking).

18 U.S.C. § 10 defines interstate and foreign commerce.