**23.9 Sale or Receipt of Stolen Goods, Securities,**

**and Other Property (18 U.S.C. § 2315)**

The defendant is charged in [Count \_\_\_\_\_\_\_ of] the indictment with [receiving] [possessing] [concealing] [storing] [bartering] [selling] [disposing of] stolen [*specify stolen property*] in violation of Section 2315 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 [received] [possessed] [concealed] [stored] [bartered] [sold] [disposed of] [*specify stolen property*] that had crossed a [state] [United States] boundary after having been stolen;

Second, at the time the defendant did so [he] [she] knew that the [*specify stolen property*] had been stolen; and

Third, the [*specify stolen property*] was of a value of $5,000 or more.

The government need not prove the defendant knew the property was in interstate commerce; it need only prove the defendant knew it was stolen.

Something enters [interstate] [foreign] commerce when its transportation begins in one [state] [country] and is intended to continue into another. Property does not continue to be in [interstate] [foreign] commerce indefinitely. It ordinarily ceases to be in [interstate] [foreign] commerce when delivered to its final destination [, unless it is being held there for some improper purpose such as disguising its nature as stolen property or preparing it for re-sale as legitimate property].

**Comment**

*See* Comment to Instruction 23.7 (Sale or Receipt of Stolen Vehicle, Vessel, or Aircraft).

Section 2315 of Title 18 creates a variety of crimes in addition to those addressed in this instruction. Among them is the crime of pledging or accepting stolen property as security for a loan. When that is the crime charged, the value of the stolen property need be only $500. If one of the other crimes is charged, this instruction should be modified.