

Ala. Code 1975, § 13A-10-15(a)(1)*

Making a Terrorist Threat
(Intentionally or Recklessly)

(*This Code section was amended by Act 2018-553, this charge does not include that amendment.)

The defendant is charged with making a terrorist threat.

A person commits the crime of making a terrorist threat when he/she threatens by any means to commit any crime of violence or to damage any property by intentionally or recklessly: **[Read all appropriate]**:

- (1) Terrorizing another person;
- (2) Causing the disruption of school activities; **(OR)**
- (3) Causing the evacuation of a building, place of assembly, or facility of public transportation, or other serious public inconvenience.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The Defendant threatened to commit a crime of violence, **[insert crime]** or to damage property, **[insert property]**;
- (2) The Defendant did so by: **[Read all appropriate]**:
 - (a) Terrorizing another person;
 - (b) Causing the disruption of school activities; **(OR)**
 - (c) Causing the evacuation of a building, place of assembly, or facility of public transportation, or other serious public inconvenience; **(AND)**
- (3) The Defendant did so intentionally or recklessly.

Property is any real or personal property, including books, records, and documents. [13A-10-1(6)]

A person acts *intentionally* with respect to a result or to conduct described by a statute defining an offense, when his/her purpose is to cause that result or to engage in that conduct. [13A-2-2(1)]

A person acts *recklessly* with respect to a result or to a circumstance when he/she is aware of and consciously disregards a substantial and unjustifiable risk that the risk will

occur or that the circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. [13A-2-2(3)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of making a terrorist threat, then you shall find the defendant guilty of making a terrorist threat.

If you find that the State has failed to prove any one or more of the elements of making a terrorist threat, then you cannot find the defendant guilty of making a terrorist threat.

[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]

[Approved 8-20-15.]