

Ala. Code 1975, § 13A-2-2(3)

RECKLESSLY

Option A

A person acts recklessly with respect to a result or to a circumstance described by a statute defining an offense when he/she is aware of and consciously disregards a substantial and unjustifiable risk that the result 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. **[A person who creates a risk but is unaware thereof solely by reason of voluntary intoxication, as defined in subdivision (e)(2) of Section 13A-3-2, acts recklessly with respect thereto.]**

Option B

A person acts recklessly when he/she is aware of and consciously disregards a substantial and unjustifiable risk that **[insert result]** will occur **(or exists)**.

Use Notes

Two options are given for the general charge defining "recklessly." The first option can be used with any crime that requires the mens rea of recklessness. Its wording is general.

A person who creates a risk but is unaware of that risk solely by reason of voluntary intoxication acts recklessly.

The second option is more specific. Insert the specific result or conduct charged. For example, for the offense of Manslaughter, the definition of recklessly might read: "A person acts recklessly when he/she is aware of and consciously disregards a substantial and unjustifiable risk that death will occur."

[Adopted 09-19-14.]