

Ala. Code 1975, § 13A-2-2(4)

CRIMINAL NEGLIGENCE

Option A

A person acts with criminal negligence with respect to a result or to a circumstance which is defined by statute as an offense when he/she fails to perceive 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 the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation. A court or jury may consider statutes or ordinances regulating the defendant's conduct as bearing upon the question of criminal negligence.

Option B

A person acts with criminal negligence when he/she fails to perceive a substantial and unjustifiable risk that **insert result or circumstance** will occur **(or exists)**.

Use Notes

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

The second option is more specific. Insert the specific result or conduct charged. For example, for the offense of Assault III, the definition of criminal negligence might read: "A person acts with criminal negligence when he/she fails to perceive a substantial and unjustifiable risk that he/she will cause physical injury to another person by use of a deadly weapon or dangerous instrument."

[Adopted 09-19-14.]