

Ala. Code 1975, § 13A-10-15(a)(2)*

Making a Terrorist Threat
(Retaliation)

(*This instruction applies only to offenses committed prior to July 1,2018.)

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 with the intent to retaliate against any person who: **[Read all appropriate]:**

- (1) Attends a judicial or administrative proceeding as a witness or party or produces records, documents, or other objects in a judicial proceeding;
(OR)
- (2) Provides to a law enforcement officer, adult or juvenile probation officer, prosecuting attorney, or judge any information relating to the commission or possible commission of an offense under the laws of this state, of the United States, or a violation of conditions of bail, pre-trial release, probation, or parole.

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 with the intent to retaliate against a person who: **[Read all appropriate]:**
 - (a) Attended a judicial or administrative proceeding as a witness or party or produces records, documents, or other objects in a judicial proceeding; **(OR)**
 - (b) Provided to a law enforcement officer, adult or juvenile probation officer, prosecuting attorney, or judge any information relating to the commission or possible commission of an offense under the laws of this state, of the United States, or a violation of conditions of bail, pre-trial release, probation, or parole.

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)]

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.]

Use Notes

This statute has been amended and its effective date ended June 30, 2018.
[Ala. Act 2018-553]

[Approved 8-20-15; Update Approved 10-9-18.]