

Ala. Code 1975, § 13A-10-171

Endangering Water Supply

The defendant is charged with endangering the water supply.

A person commits the crime of endangering the water supply if he/she knowingly contaminates a public or private water well or water reservoir or any water supply of a public utility or tampers with the production of bottled or packaged water at a retail or wholesale mercantile establishment.

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

- (1) The defendant contaminated a public or private water well or water reservoir or any water supply of a public utility or tampered with the production of bottled or packaged water at a retail or a wholesale mercantile establishment; **(AND)**
- (2) The defendant did so knowingly.

A person acts *knowingly* with respect to conduct or to a circumstance described by a statute defining an offense when he/she is aware that his/her conduct is of that nature or that the circumstance exists. [13A-2-2(2)]

[Read as appropriate]: Endangering the water supply does not include contamination of a public or private well or water reservoir or any water supply of a public utility that may occur in any of the following circumstances **[read as appropriate]:**

- (1) Inadvertently as part of the operation of a public utility or electrical generating station;
- (2) Due to releases, discharges, or emissions that are authorized by state or federal law or that are permitted or licensed by any state or federal agency;
- (3) Due to accidental releases from an otherwise lawful activity; **(OR)**
- (4) Due to discharges or emissions in excess of permitted or licensed levels provided that federal or state enforcement authority is available to respond. [13A-10-171(b)]

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

If you find that the State has failed to prove any one or more of the elements of endangering the water supply, then you cannot find the defendant guilty of endangering the water supply.

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

[Approved 06-17-16.]