

Ala. Code 1975, § 13A-10-5.1

Disarming Law Enforcement or Corrections Officer

The defendant is charged with disarming a law enforcement or corrections officer.

A person commits the crime of disarming a law enforcement or corrections officer if he/she intentionally removes a firearm or weapon from a law enforcement or corrections officer or deprives a law enforcement or corrections officer of the use of a firearm or weapon when the officer is acting within the scope of his/her duties and the person knows or reasonably should have known that the individual is a law enforcement or corrections officer.

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

- (1) The Victim, **[insert name]**, was a law enforcement or corrections officer, **[insert description]; (AND)**
- (2) The Defendant knew or reasonably should have known that the individual was a law enforcement or corrections officer; **(AND)**
- (3) The law enforcement or corrections officer was acting within the scope of his/her duties; **(AND)**
- (4)
 - (a) The Defendant removed a firearm or weapon, **[insert description]**, from the law enforcement or corrections officer; **(OR)**
 - (b) The Defendant deprived the law enforcement or corrections officer of the use of a firearm or weapon; **(AND)**
- (5) The Defendant did so intentionally.

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 disarming a law enforcement or corrections officer, then you shall find the defendant guilty of disarming a law enforcement or corrections officer.

If you find that the State has failed to prove any one or more of the elements of the offense of disarming a law enforcement or corrections officer, then you cannot find the defendant guilty of disarming a law enforcement or corrections officer.

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

Use Notes

The terms *law enforcement officer*, *corrections officer*, *firearm*, and *weapon* are not defined in this article. However, *peace officer* is defined but not used in this section.

[Approved 8-20-15.]