

Ala. Code 1975, § 13A-11-8(a)

Harassment

The defendant is charged with harassment.

A person commits the crime of harassment if, with intent to harass, annoy, or alarm another person, he/she: **[Read as appropriate]:**

- (1) Strikes, shoves, kicks, or otherwise touches a person or subjects him/her to physical contact; **(OR)**
- (2) Directs abusive or obscene language or makes an obscene gesture towards another person.

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

- (1) The defendant **[Read as appropriate]:**
 - (a) Struck, shoved, kicked, or otherwise touched a person, **[insert name]**, or subjected him/her to physical contact, **[describe the act]; (OR)**
 - (b) Directed abusive or obscene language or made an obscene gesture, towards another person, **[insert name]; (AND)**
- (2) The defendant did so with intent to harass, annoy, or alarm another person, **[insert name]**.

Harassment shall include a threat, verbal or nonverbal, made with the intent to carry out the threat, that would cause a reasonable person who is the target of the threat to fear for his/her safety. [13A-11-8(a)(2)]

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 harassment, then you shall find the defendant guilty of harassment.

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

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

[Approved 04-15-16.]