

Ala. Code 1975, § 13A-11-8(b)

Harassing Communications

The defendant is charged with harassing communications.

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

- (1) Communicates with a person, anonymously or otherwise, by telephone, telegraph, mail, or any other form of written or electronic communication, in a manner likely to harass or cause alarm;
- (2) Makes a telephone call, whether or not a conversation ensues, with no purpose of legitimate communication; **(OR)**
- (3) Telephones another person and addresses to or about such other person any lewd or obscene words or language.

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

- (1) The defendant **[Read as appropriate]:**
 - (a) Communicated with a person, **[insert name]**, anonymously or otherwise, by telephone, telegraph, mail, or any other form of written or electronic communication, in a manner likely to harass or cause alarm;
 - (b) Made a telephone call, whether or not a conversation ensues, with no purpose of legitimate communication; **(OR)**
 - (c) Telephoned another person, **[insert name]**, and addressed to or about such other person lewd or obscene words or language; **(AND)**
- (2) The defendant did so with intent to harass 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)]

[Read as appropriate]: This does not apply to legitimate business telephone communications. [13A-11-8(b)(1)]

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 harassing communications, then you shall find the defendant guilty of harassing communications.

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

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

[Approved 04-15-16.]