

13A-6-21(a)(8)
ASSAULT SECOND DEGREE
(Intent - DHR Employee)

The defendant is charged with assault in the second degree.

A person commits the offense of assault second degree if, with intent to cause physical injury to a Department of Human Resources employee or any employee performing social work, during or as a result of the performance of his/her duty, he/she causes physical injury to any person.

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

(1) The defendant caused physical injury to a person, **[Insert Name Of Injured Person]; (AND)**

(2) The defendant intended to cause physical injury to a Department of Human Resources employee or any employee performing social work, **[Insert Name]**, during or as a result of the performance of his/her duty.

[Read As Appropriate] A *person*, when referring to the victim, means a human being, including an unborn child in utero at any stage of development, regardless of viability. (13A-6-1(a)(3))

Physical injury is impairment of physical condition or substantial pain. (13A-1-2(12))

[Read As Appropriate] *Social work* is the professional activity of helping individuals, groups, or communities enhance or restore their capacity for social functioning, and of preventing or controlling social problems altering societal conditions as a means towards enabling people to attain their maximum potential. [34-30-1(2)]

A person acts *intentionally* when it is his/her purpose to cause physical injury to another person. (See 13A-2-2(1))

[Read As Appropriate - Transferred Intent] A person acts *intentionally* when it is his/her purpose to cause physical injury to a specific person,

regardless of whether the injured person is actually the person whose injury the defendant allegedly wished to cause. See Ex parte Jackson, 614 So.2d 405, 406-407 (Ala. 1993); Farrior v. State, 728 So.2d 691, 695-696 (Ala. Crim. App. 1999).

If you find from the evidence that the State has proved beyond a reasonable doubt each of the elements of assault in the second degree, then you shall find the defendant guilty of assault in the second degree.

If you find that the State has failed to prove beyond a reasonable doubt any one or more of the elements of assault in the second degree, then you cannot find the defendant guilty of assault in the second degree.

[If Lesser-Included Offenses Are Included, The Court Should Instruct On These Offenses At This Point.]

Use Note

For unborn child exceptions see 13A-6-1(b) through (e).

[Approved 08-08-24]