

**Ala. Code 1975, §13A-6-242**

**Assault with Bodily Fluids**

The defendant is charged with assault with bodily fluids.

A person commits the crime of assault with bodily fluids if he/she knowingly causes or attempts to cause another person to come into contact with a bodily fluid.

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

- (1) The defendant caused or attempted to cause another person, **[insert name of person]**, to come into contact with a bodily fluid; **(AND)**
- (2) **[Read as appropriate]**: The defendant knew he/she had a communicable disease; **(AND)**
- (3) The defendant did so knowingly.

A *bodily fluid* is blood, saliva, seminal fluid, mucous fluid, urine, or feces. [13A-6-242(b)]

**[Read as appropriate]**: A defendant does not commit the crime of assault with bodily fluids if the other person consented to the contact. [13A-6-242(a)]

**[Read as appropriate]**: A defendant does not commit the crime of assault with bodily fluids if the contact was necessary to provide medical care.[13A-6-242(a)]

A person acts *knowingly* with respect to conduct or to a circumstance when he is aware that his conduct is of that nature or that the circumstance exists. [13A-2-2(2)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of assault with bodily fluids, then you shall find the defendant guilty of assault with bodily fluids.

If you find that the State has failed to prove any one or more of the elements of the offense of assault with bodily fluids, then you cannot find the defendant guilty of assault with bodily fluids.

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

### **Use Notes**

Whether this crime is a felony or misdemeanor depends upon whether the defendant knew he/she had a communicable disease. If this is an issue, element 2 should be given for consideration.

[Approved 05/09/19]