Ala. Code §13A-6-24(a)(1)*
RECKLESS ENDANGERMENT
(Individual)

***[These instructions apply only to offenses committed on or after October 1, 2026]**

The defendant is charged with reckless endangerment.

A person commits the crime of reckless endangerment if he/she recklessly engages in conduct which creates a substantial risk of serious physical injury to another person.

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

(1) The defendant engaged in conduct, **[describe]**, which created a substantial risk of serious physical injury to another person, **[name]**; **[AND]**

(2) The defendant did so recklessly.

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)]

Serious physical injury is a physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ; or a penetrating gunshot wound inflicted by a firearm. [13A-1-2(14)]

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

[Read As Appropriate] A *firearm* is a weapon from which a shot is discharged by gunpowder. [13A-8-1]

A person acts *recklessly* in regards to his/her conduct if:

(1) The actor is aware that there is a substantial and unjustifiable risk that death will occur;

(2) The risk of death is so great that the actor's failure to recognize this risk is a gross deviation from the standard of behavior to which a reasonable person would hold himself/herself in the same situation; **[AND]**

(3) The actor consciously disregards this substantial and unjustifiable risk. [13A-2-2(3)]

[Read all appropriate - Intoxication]: A person who creates a risk, but is unaware

that he/she has created that risk solely because of voluntary intoxication, acts recklessly with regards to that risk. *Intoxication* includes a disturbance of mental or physical capacities resulting from the introduction of any substance into the body. *Voluntary intoxication* means intoxication caused by substances that the actor knowingly introduced into his/her body, the tendency of which to cause intoxication he/she knows or ought to know, unless he/she introduces them under circumstances that would afford a defense to the charge. *Intoxication* in itself does not constitute mental disease or defect. *Intoxication* is generally not a defense. However, *involuntary intoxication* is a defense if as a result the actor lacks capacity either to appreciate the criminality of his/her conduct or to conform his/her conduct to the requirements of law. *Intoxication*, whether voluntary or involuntary, is admissible in evidence whenever it is relevant to negate an element of the offense charged. When recklessness establishes an element of an offense and the actor is unaware of a risk because of *voluntary intoxication*, his/her unawareness is immaterial in a prosecution for that offense. [13A-3-2] .

If you find from the evidence that the State has proved beyond a reasonable doubt each of the elements of reckless endangerment, then you shall find the defendant guilty of reckless endangerment.

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

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

Use Notes

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

Violation of § 13A-6-24(a)(1) is a Class A misdemeanor. [13A-6-24(b)(1)]

[Approved 05-29-26]