Ala. Code §13A-6-24(a)(2)*

RECKLESS ENDANGERMENT

(Multiple People & Deadly Weapon/Dangerous Instrument)

***[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 multiple people and uses a deadly weapon or dangerous instrument in the commission of the offense.

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 multiple people, **[names]**;

(2) The defendant did so recklessly, **[AND]**

(3) The defendant used a deadly weapon or dangerous instrument in the commission of the offense.

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]

[Read as appropriate] A *Deadly Weapon* is a firearm or anything manifestly designed, made, or adapted for the purposes of inflicting death or serious physical injury. The term includes, but is not limited to, a pistol, rifle, or shotgun; or a switch-blade knife, gravity knife, stiletto, sword, or dagger; or any billy, black-jack, bludgeon,
or metal knuckles. [13A-1-2(7)]

[**Read as appropriate]** A *Dangerous Instrument* is any instrument, article, or substance which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is highly capable of causing death or serious physical injury. The term includes a "vehicle," as that term is defined in subdivision (15). [13A-1-2(5)]

[**Read as appropriate]** A *Vehicle* is any propelled device in, upon, or by which any person or property is transported on land, water, or in the air, and such term includes motor vehicles, motorcycles, motorboats, aircraft, and any vessel propelled by machinery, whether or not that machinery is the principal source of propulsion. The term includes any propelled device by which any person or property is transported on land, water, or in the air, and includes motor vehicles, motorcycles, motorboats, and aircraft, and any vessel, whether propelled by machinery or not. [13A-1-2(15); 13A-8-1(10)].

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)(2) involving substantial risk of serious physical injury to multiple people and use of a deadly weapon or dangerous instrument in the commission of the offense is a Class B felony. [13A-6-24(b)(2)b.]

[Approved 05-29-26]