

Ala. Code 1975, 13A-7-26(a)(2)

Criminal Tampering II
(Property of Utility)

The defendant is charged with criminal tampering in the second degree.

A person commits the crime of criminal tampering in the second degree if he/she intentionally tampers or makes connection with property of a utility and he/she has no right to do so or any reasonable ground to believe that he/she has such a right.

To convict, the State must prove beyond a reasonable doubt each of the following elements of criminal tampering in the second degree:

- (1) The defendant intentionally tampered or made connection with property of a utility; and
- (2) The defendant did not have a right to do so or have any reasonable ground to believe he/she had such a right.

A person acts ***intentionally*** with respect to a result or to conduct when his/her purpose is to cause that result or to engage in that conduct. [13A-2-2]

A person ***tampers*** when he/she improperly interferes, meddles with or makes an unwarranted alteration in the condition of property of another. [13A-7-24(1)]

[Read appropriate part]:

“Property” is any money, tangible or intangible personal property, property (whether real or personal) the location of which can be changed (including things growing on, affixed to, or found in land and documents, although the rights represented hereby have no physical location), contract right, chose-in-action, interest in a claim to wealth, credit, or any other article or thing of value of any kind. Commodities of a public utility nature, such as gas, electricity, steam, and water, constitute property, but the supplying of such a commodity to premises from an outside source by means of wires, pipes, conduits, or other equipment shall be deemed a rendition of a service rather than a sale or delivery of property. [13A-8-1(10)]

A ***“utility”*** is an enterprise which provides gas, electric, steam, water, sewage, transportation or communication services, cable and broadband services, and any institution that provides health and safety protection or other public services. It may be either publicly or privately owned. [13A-7-24(3)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of the offense of criminal tampering in the second degree, as

charged, then you shall find the defendant guilty of criminal tampering 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 the offense of criminal tampering in the second degree, then you cannot find the defendant guilty of criminal tampering in the second degree.

[Adopted 09-19-14.]