

**Ala. Code 1975, § 32-10-5**

**Failure to Report Accident Involving Death or Personal Injury**

The Defendant is charged with failure to report an accident involving death or personal injury.

A person commits the crime of failure to report an accident involving death or personal injury if he/she drives a motor vehicle and is involved in an accident resulting in death or personal injury to another person and fails to immediately by the quickest means of communication give notice of such accident to the local police department if such accident occurs within a municipality; otherwise to the office of the county sheriff or to the state highway patrol.

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

- (1) The defendant (name of defendant) drove a motor vehicle;
- (2) While driving the motor vehicle, the defendant was involved in an accident resulting in death or personal injury to another person (name of victim);
- (3) The defendant failed to immediately by the quickest means of communication give notice of such accident to the local police department if such accident occurred within a municipality; otherwise to the office of the county sheriff or to the state highway patrol; **(AND)**
- (4) The defendant acted **[Insert appropriate mens rea element – see Use Note]**.

*A Driver* is every individual who drives or is in actual physical control of a vehicle. [32-2-1.1(14)]

*A Motor Vehicle* is every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for electric personal assistive mobility devices and electric bicycles.

[32-2-1.1(35)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the elements of failure to report an accident involving

death or personal injury, then you shall find the defendant guilty of failure to report an accident involving death or personal injury.

If you find that the State has failed to prove beyond a reasonable doubt one or more of the above elements of failure to report an accident involving death or personal injury, then you cannot find the defendant guilty of failure to report an accident involving death or personal injury.

### **Use Note**

The statute does not state a specific mens rea element. Insert the appropriate mens rea element considering the indictment and the evidence before the court. There are few, if any, strict liability offenses in the Code. See Commentary for 13A-2-3 and 13A-2-4(b). There are four mens rea elements in the Alabama Code: intentionally, knowingly, recklessly, and with criminal negligence. See 13A-2-2.

1. A person acts intentionally with respect to a result or to conduct described by a statute defining an offense when (his/her) purpose is to cause that result or to engage in the conduct. Ala. Code § 13A-2-2(1).

2. A person acts knowingly with respect to conduct or to a circumstance described by a statute defining an offense (he/she) is aware that (his/her) conduct is of that nature or that the circumstance exists. Ala. Code § 13A-2-2(2).

3. A person acts recklessly with respect to a result or to a circumstance when (he/ she) is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. Ala. Code § 13A-2-2(3).

4. A person acts with criminal negligence with respect to a result or to a circumstance when (he/she) fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation. A court or jury may consider statutes or ordinances regulating the defendant's conduct as bearing upon the question of criminal negligence. Ala. Code § 13A-2-2(4).

**[Approved 04/24/26]**