**T.P.I. – CRIM. 6.02(a)**

**[AGGRAVATED] ASSAULT AGAINST A *[FIRST RESPONDER] [NURSE]***

Any person who commits the offense of [aggravated] assault against a *[first responder] [nurse]* is guilty of a crime.

For you to find the defendant guilty of this offense, the state must have proven beyond a reasonable doubt the existence of the following essential elements:

(1)(a) that the defendant caused bodily injury to a *[first responder] [***Only for offenses committed on or after 7/1/21:** *nurse]*;

or

(b) that the defendant caused physical contact with a *[first responder] [***Only for offenses committed on or after 7/1/21:** *nurse]* and a reasonable person would regard the contact as extremely offensive or provocative, including, but not limited to, spitting, throwing, or otherwise transferring bodily fluids, bodily pathogens, or human waste onto the person of *a [first responder] [nurse]*;

and

(2) that at the time of the act, the *[first responder] [***Only for offenses committed on or after 7/1/21:** *nurse]* was attempting to discharge *[his] [her]* official duties;

and

(3) that the defendant acted knowingly.

[and

(4)(a) that the act resulted in *[serious bodily injury to ] [the death of]* the *[first responder] [***Only for offenses committed on or after 7/1/21:** *nurse]*;

or

(b) that the act involved *[the use or display of a deadly weapon] [strangulation] [attempted strangulation]*.]

[The trial judge may wish to charge T.P.I – Crim. 4.01, Criminal Attempt, in appropriate fact situations.]

[["Bodily injury"] [“Injury”] includes a cut, abrasion, bruise, burn or disfigurement, and physical pain or temporary illness or impairment of the function of a bodily member, organ, or mental faculty.]

["Deadly weapon" means a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.]

[“First responder” means a firefighter, emergency services personnel, POST-certified law enforcement officer, or other person who responds to calls for emergency assistance from a 911 call; and includes capitol police officers, Tennessee highway patrol officers, Tennessee bureau of investigation agents, Tennessee wildlife resources agency officers, [**only for offenses committed on or after 7/1/23:** *deputy jailers*] and park rangers employed by the division of parks and recreation in the department of environment and conservation.]

[“Law enforcement officer” means an officer, employee or agent of government who has a duty imposed by law to:

1. Maintain public order;

or

(B) Make arrests for offenses, whether that duty extends to all

offenses or is limited to specific offenses;

and

(C) Investigate the commission or suspected commission of

offenses];

and

[(D) **Only for offenses committed on or after 7/1/23:** Includes a sheriff, sheriff’s deputy, **[only if the offense would be enhanced by the victim being a deputy jailer:** *or a deputy jailer***]**.

[“Nurse” means a person who is licensed, registered, or certified under title 63, chapter 7.]

["Serious bodily injury" means bodily injury that involves a substantial risk of death; protracted unconsciousness; extreme physical pain; protracted or obvious disfigurement; or protracted loss or substantial impairment of a function of a bodily member, organ or mental faculty.] ["Bodily injury" includes a cut, abrasion, bruise, burn or disfigurement, and physical pain or temporary illness or impairment of the function of a bodily member, organ, or mental faculty.]

[“Strangulation” means intentionally or knowingly impeding normal breathing or circulation of the blood by applying pressure to the throat or neck or by blocking the nose and mouth of another person, regardless of whether that conduct results in any visible injury or whether the person has any intent to kill or protractedly injure the victim.]

"Knowingly" means that a person acts knowingly with respect to the conduct or to circumstances surrounding the conduct when the person is aware of the nature of the conduct or that the circumstances exist. A person acts knowingly with respect to a result of the person's conduct when the person is aware that the conduct is reasonably certain to cause the result.

The requirement of "knowingly" is also established if it is shown that the defendant acted intentionally.

"Intentionally" means that a person acts intentionally with respect to the nature of the conduct or to a result of the conduct when it is the person's conscious objective or desire to engage in the conduct or cause the result.