## **T.P.I. - CRIM. 6.02(b)**

**[AGGRAVATED] ASSAULT WITHIN A HEALTHCARE FACILITY**

Any person who commits the offense of *[aggravated]* assault within a healthcare facility 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:

[Part A:

(1) that the defendant knowingly caused bodily injury to another within a healthcare facility;

[and

(2)(a) the act resulted in serious bodily injury to the victim;]

[or

(2)(b) the act resulted in the death of the victim;]

[or

(2)(c) the act involved the use or display of a deadly weapon;]

[or

(2)(d) the act involved strangulation or attempted strangulation.]

or

[Part B:

1. that the defendant knowingly caused physical contact with another within a healthcare facility;

and

1. that 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] [human waste]]* onto the person of another.

[and

(3)(a) the act resulted in serious bodily injury to the victim;]

[or

(3)(b) the act resulted in the death of the victim;]

[or

(3)(c) the act involved the use or display of a deadly weapon;]

[or

(3)(d) the act involved strangulation or attempted strangulation.]

["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.]

["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.]

"Healthcare facility" means the portion of an institution, place, building, or office devoted to providing healthcare services, and includes the reception and administrative areas of the facility. "Healthcare services" means services for the diagnosis, prevention, treatment, cure or relief of a health condition, illness, injury or disease.

["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 [or a broken bone of a child who is twelve (12) years of age or less.]

["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.