

**1268 EXAMPLE ABUSE OF INDIVIDUALS AT RISK: RECKLESSLY SUBJECTING AN INDIVIDUAL AT RISK TO ABUSE UNDER CIRCUMSTANCES THAT CAUSE GREAT BODILY HARM — § 940.285(2)(b)1.m.**

**Statutory Definition of the Crime**

Abuse of individuals at risk, as defined in § 940.285 of the Criminal Code of Wisconsin, is committed by one who recklessly subjects an individual at risk to abuse under circumstances that cause great bodily harm.

**State's Burden of Proof**

Before you may find the defendant guilty of this offense, the State must prove by evidence which satisfies you beyond a reasonable doubt that the following four elements were present.

**Elements of the Crime That the State Must Prove**

1. (Name of victim) was an individual at risk at the time of the alleged offense.

"Individual at risk" means a person age 60 or older who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation.

2. The defendant subjected (name of victim) to physical abuse.

"Physical abuse" means the intentional or reckless infliction of bodily harm.

"Bodily harm" means physical pain or injury, illness, or any impairment of physical condition.

3. The defendant acted recklessly.

"Recklessly" means conduct that creates a situation of unreasonable risk of harm and demonstrates a conscious disregard for the safety of the individual at risk.

4. The defendant recklessly subjected (name of victim) to abuse under circumstances that caused great bodily harm.

"Cause" means that the defendant's conduct was a substantial factor in producing great bodily harm.

"Great bodily harm" means serious bodily injury.

### **Jury's Decision**

If you are satisfied beyond a reasonable doubt that all four elements of this offense have been proved, you should find the defendant guilty.

If you are not so satisfied, you must find the defendant not guilty.

### **COMMENT**

Wis JI-Criminal 1268 EXAMPLE was originally published in 199 and revised in 2003. This revision was approved by the Committee in December 2006; it reflects changes made by 2005 Wisconsin Acts 264 and 388.

This instruction attempts to illustrate how the general model provided in Wis JI-Criminal 1268 would be applied to a violation of § 940.285 involving recklessly subjecting an individual at risk to abuse under circumstances causing great bodily harm. Reducing the general model to this example required electing the appropriate material from the many alternatives set forth in brackets and parentheses in Wis JI-Criminal 1268.