**T.P.I.-- CRIM. 29.18**

**[Aggravated ] Abuse of [an elderly] [a vulnerable] adult**

**(for offenses committed on or after 1/1/20)**

Any person who commits *[Aggravated]* Abuse of *[an elderly] [a vulnerable]* adult 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) that the defendant abused *[an elderly] [a vulnerable]* adult;

and

(2) that the defendant acted knowingly.

[and

(3)(a) that the act resulted in *[serious psychological injury] [serious physical harm]*

or

(3)(b) that a deadly weapon was used to accomplish the act

or

(3)(c) that the abuse involved strangulation

or

(3)(d) that the abuse resulted in serious bodily injury].

"Abuse" means the infliction of physical harm.

["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.]

[“Elderly adult” means a person seventy (70) years of age or older.]

[“Firearm” means *[any weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosive]* *[, or the frame or receiver of any such weapon]* *[, or any firearm muffler or firearm silencer]* *[any destructive device]*. *[The definition of “firearm” does not include an antique firearm.****]***]

**[Only for offenses committed prior to 10/1/21:** “Physical harm” means physical pain or injury, regardless of gravity or duration.**]**

or

**[Only for offenses committed on or after 10/1/21:** "Physical harm" means an action, regardless of gravity or duration, that causes pain or injury; or would cause a reasonable person to suffer pain or injury.**]**

["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.]

[“Serious physical harm” means physical harm of such gravity that:

(A) Would normally require medical treatment or hospitalization;

(B) Involves acute pain of such duration that it results in substantial suffering;

(C) Involves any degree of prolonged pain or suffering; or

(D) Involves any degree of prolonged incapacity.]

["Serious psychological injury" means any mental harm that would normally require extended medical treatment, including hospitalization or institutionalization, or mental harm involving any degree of prolonged incapacity.]

[“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.]

[“Vulnerable adult” means a person eighteen (18) years of age or older who, because of intellectual disability or physical dysfunction, is unable to fully manage the person's own resources, carry out all or a portion of the activities of daily living, or fully protect against neglect, exploitation, or hazardous or abusive situations without assistance from others.]

"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.