**T.P.I. -- CRIM. 21.09**

**FAILURE TO MAKE A REPORT OF ABUSE, NEGLECT, OR SEXUAL ABUSE OF A CHILD**

Any person who commits the offense of failing to report brutality, abuse, neglect, or child sexual abuse of a child is guilty of a crime.

For you to find the defendant guilty of this offense, the state must have proven the following essential elements:

[Part A:

(1) A person [has knowledge of] or [is called to render aid to] any child suffering from or has sustained any wound, injury, disability, or physical or mental condition;

and

(2) The harm is of such a nature as to reasonably indicate that it has been caused by brutality, abuse, or neglect, or that, on the basis of available information, reasonably appears to have been caused by brutality, abuse, or neglect;

and

(3) Fails to report it, by telephone or otherwise, to the judge having juvenile jurisdiction over the child, the Department of Children Services, the Sheriff of the county where the child resides, or the Chief law enforcement official of the municipality where the child resides;

and

(4) [The defendant acted knowingly] or [The defendant acted intentionally].]

or

[Part B:

1. A person knows or has reasonable cause to suspect that a child has been sexually abused;

and

(2) Fails to report it, by telephone or otherwise, to the judge having juvenile jurisdiction over the child, the Department of Children Services, the Sheriff of the county where the child resides, or the Chief law enforcement official of the municipality where the child resides;

and

(3) [The defendant acted knowingly] or [The defendant acted intentionally].]

“Sexually Abused” means that the child was the victim of any act involving the unlawful abuse, molestation, fondling, or carnal knowledge of a child under thirteen (13) years of age including aggravated rape, aggravated sexual battery, aggravated sexual exploitation of a minor, the criminal attempt of any of these offenses, especially aggravated sexual exploitation of a minor, incest, rape, sexual battery, or sexual exploitation of a minor. It also means [any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen;] [any contact between the genitals or anal opening of one person and the mouth or tongue of another person;] [any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose, except that it shall not include acts intended for a valid medical purpose;] the intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of either the child or the perpetrator, except that it shall not include acts that may reasonably be construed to be normal caretaker responsibilities, interactions with, or affection for a child or acts intended for a valid medical purpose;] [It also includes this act for children ages 13 through 17 if committed against the child by a parent, guardian, relative, person residing in the child’s home, or other person responsible for the care and custody of the child.]

"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.