

CR 711 “B” – INTENTIONALITY AS TO CONDUCT

A person acts “intentionally” [“willfully”] [“with intent”] when (his)(her) conscious objective is to engage in certain conduct.

“Conduct” means either an act or an omission.

NOTE:

Some crimes with a mens rea of “intentionally” require that the defendant intentionally engage in conduct, while others require that the defendant intentionally cause a result. Jurors must be specifically instructed as to the definition of “intentionally” which applies to the crime(s) they are considering. If the jury is considering more than one count with a mens rea of “intentionally,” and if a single definition does not cover all counts, the jury must be instructed as to which definition applies to each count.

This instruction should be used when intentionality goes to one’s conduct rather than to the result of one’s conduct. See for example, Homicide by assault, 76-5-209; Criminal mischief (variation), 76-6-106 (2)(b); and, Having a measurable amount of controlled substance in system and driving negligently, thereby causing serious bodily injury or death, 58-37-8 (2)(g).

An example of a statute where the conduct is an omission rather than an act is Failure to report child abuse, 62A-4a-411.