

**Element Sheet – Physical Abuse of a Child, Recklessly Causing Bodily Harm  
948.03(3)(b)**

1. The defendant caused bodily harm to [victim].
  - a. “Bodily harm” means physical pain or injury, illness, or any impairment of physical condition.
  
2. The defendant recklessly caused such bodily harm.
  - a. “Reckless” means that the defendant’s conduct created a situation of unreasonable risk of harm to [victim] and demonstrated a conscious disregard for the safety of [victim]. To determine whether the conduct “created an unreasonable risk of harm and showed a conscious disregard for the safety of [victim],” consider:
    - i. what the defendant was doing
    - ii. why the defendant was engaged in that conduct
    - iii. how dangerous the conduct was
    - iv. how obvious the danger was
    - v. whether the conduct showed any regard for human life

3. [Victim] had not attained the age of 18 years at the time of the alleged offense.

*Note:* Knowledge of [victim]’s age is not required. Mistake regarding [victim]’s age is not a defense.

*Note:* Consent to sexual intercourse is not a defense.