

**Element Sheet – Physical Abuse of a Child, Recklessly Causing Bodily Harm (Prob. GBH)
948.03(3)(c)**

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. The defendant’s conduct created a high probability of *great bodily harm*.
 - a. “Great bodily harm” means serious bodily injury, i.e. injury creating/causing:
 - i. substantial risk of death
 - ii. serious permanent disfigurement
 - iii. permanent or protracted loss of function of any bodily member or organ
 - iv. other serious bodily injury

4. [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.