

Ala. Code 1975, § 13A-3-22

Execution of Public Duty Defense

One of the issues in this case is the execution of a public duty defense.

To convict, the State, in addition to the elements of the crime charged, must prove beyond a reasonable doubt that at the time of the commission of the alleged crime: **[Read applicable part]**

(1) The defendant was not acting as required or authorized by law or by judicial decree; **(OR)**

(2) The defendant was not performing as a public servant in the reasonable exercise of his/her official powers, duties or functions.

A person may be required or authorized by law or by judicial decree to **[insert an example of act & authority]**.

Use Notes

This charge should be given only when sufficient evidence tending to establish such a defense has been raised by the defendant.

[Adopted 12-22-14.]