

29.20 ABUSE OF [AN ELDERLY PERSON] [A DISABLED ADULT]

§ 825.102(1), Fla. Stat.

To prove the crime of Abuse of [An Elderly Person] [A Disabled Adult], the State must prove the following two elements beyond a reasonable doubt:

- 1. (Defendant) knowingly or willfully abused (victim) by:**

Give as applicable.

- a. intentionally inflicting physical or psychological injury upon (victim).**
- b. committing an intentional act that could reasonably be expected to result in physical or psychological injury to (victim).**
- c. actively encouraging another person to commit an act that resulted in or could reasonably have been expected to result in physical or psychological injury to (victim).**

- 2. At the time, (victim) was [an elderly person] [a disabled adult].**

Definitions. Give as applicable.

§ 825.101(3), Fla. Stat.

“Disabled adult” means a person 18 years of age or older who suffers from a condition of physical or mental incapacitation due to a developmental disability, organic brain damage, or mental illness, or who has one or more physical or mental limitations that restrict the person’s ability to perform the normal activities of daily living.

§ 825.101(4), Fla. Stat.

“Elderly person” means a person 60 years of age or older who is suffering from the infirmities of aging as manifested by advanced age or organic brain damage, or other physical, mental, or emotional dysfunctioning, to the extent that the ability of the person to provide adequately for the person’s own care or protection is impaired.

“Willfully” means intentionally and purposely.

Lesser Included Offenses

ABUSE OF [AN ELDERLY PERSON] [A DISABLED ADULT] — 825.102(1)

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Battery	784.03	8.3
	Attempt	777.04(1)	5.1

Comment

This instruction was adopted in 2013 [131 So. 3d 692] and amended in 2016.