

ALTERNATIVE INSTRUCTION: DEFINITION OF "RECKLESSLY"

A person acts "recklessly" if that person is aware of but consciously disregards a substantial and unjustifiable risk either:

(1) that a particular result will occur;

or

(2) that a particular circumstance exists.

The risk must be of such nature and degree that disregarding it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.¹

FOOTNOTES

1. This is a rewording of the statutory definition of "reckless" found in Tenn. Code Ann. § 39-11-106(a)(31).

COMMENTS

1. The Committee is of the opinion that the statutory definition of "recklessly" may be confusing to jurors. Therefore, the trial judge may wish to use this definition in addition to, or instead of, the statutory definition.