**8.11 Assault of Spouse, Intimate Partner, or Dating Partner**

**(18 U.S.C. § 113(a)(7))**

The defendant is charged in [Count \_\_\_\_\_\_\_ of] the indictment with assaulting a [[spouse] [intimate partner] [or] [dating partner]] resulting in substantial bodily injury in violation of Section 113(a)(7) of Title 18 of the United States Code. For the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, the defendant assaulted [*name of victim*] by intentionally [[striking] [wounding]] [[him] [her]];

Second, as a result, [*name of victim*] suffered substantial bodily injury;

Third, [*name of victim*] was a [[spouse] [intimate partner] [or] [dating partner]] of the defendant; and

Fourth, the assault took place on [*specify place of federal jurisdiction*].

[[“Spouse”] [“Intimate partner”] [“dating partner”]] includes any of the following:

(1) a spouse or former spouse of the defendant; or

(2) a person who shares a child in common with the defendant; or

(3) a person who cohabits or has cohabited as a spouse with the defendant; or

(4) a person who is or has been in a social relationship of a romantic or intimate nature with the defendant; or

(5) [*insert definition of person similarly situated to a spouse who is protected by the domestic or family violence laws of the state or tribal jurisdiction in which the injury occurred or where the victim resides*].

[“Intimate partner” [also] means a person who is or has been in a social relationship of a romantic or intimate nature with the defendant. You may determine whether such a relationship existed by considering (a) the length of the relationship, (b) the type of relationship, and (c) the frequency of interaction between the defendant and [*name of victim*].]

[“Dating partner” means a person who is or has been in a social relationship of a romantic or intimate nature with the defendant. You may determine whether such a relationship existed by considering (a) the length of the relationship, (b) the type of relationship, and (c) the frequency of interaction between the defendant and [*name of victim*].]

**Comment**

The definitions of “spouse,” “intimate partner,” and “dating partner” are the statutory definitions in 18 U.S.C. § 2266, which is incorporated into 18 U.S.C. § 113(b)(3).

*Revised Apr. 2019*