**8.7 Simple Assault of Person Under Age 16**

**(18 U.S.C. § 113(a)(5))**

The defendant is charged in [Count \_\_\_\_\_\_\_ of] the indictment with assaulting a person who has not attained the age of 16 years in violation of Section 113(a)(5) 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 using a display of force that reasonably caused [him] [her] to fear immediate bodily harm;

Second, [*name of victim*] was under the age of 16 years at the time of the assault; and

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

**Comment**

When the assault consists of a display of force, it must actually cause reasonable apprehension of immediate bodily harm; fear is a necessary element. *United States v. Skeet*, 665 F.2d 983, 986 n.1 (9th Cir. 1982).