**8.9 Assault of Person Under Age 16 Resulting in**

**Substantial Bodily Injury (18 U.S.C. § 113(a)(7))**

 The defendant is charged in [Count \_\_\_\_\_\_\_ of] the indictment with assaulting a person who has not attained the age of 16 years 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 under the age of 16 years at the time of the assault; and

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

 “Substantial bodily injury” means a temporary but substantial disfigurement, or a temporary but substantial loss or impairment of the function of any bodily member, organ or mental faculty.

**Comment**

 The definition of “substantial bodily injury” in the last paragraph of the instruction is the definition given in 18 U.S.C. § 113(b)(1).