

Elements of Criminal Offenses

Initials	STATUTE/CHARGE TYPE	ELEMENTS
	Acquiring Possession of a Controlled Substance by Fraud	
	§ 961.43(1)(a) - Felony	<ol style="list-style-type: none"> The defendant obtained possession of a substance. The substance was a controlled substance. The defendant believed that the substance was a controlled substance. The defendant obtained possession of the substance by misrepresentation made with the intent to deceive another and with the intent to induce that person to rely and act thereon. A person was deceived by the misrepresentation.
	Aggravated Battery with Intent to Cause Bodily Harm	
	§ 940.19(4) - Felony	<ol style="list-style-type: none"> The defendant caused great bodily harm to the victim. The defendant intended to cause bodily harm to (the victim) or (another person).
	Armed Robbery: By use or Threat of use of a Dangerous Weapon	
	§ 943.32 (2) - Felony	<ol style="list-style-type: none"> The defendant took property from the person or from the presence of the person who was the owner of the property. The defendant took the property with the intent to steal. The defendant acted forcibly. At the time of the taking or carrying away, the defendant used or threatened to use a dangerous weapon.
	Assault by a Prisoner: Throwing or Expelling a Bodily Substance:	
	§ 946.43(2m) - Felony	<ol style="list-style-type: none"> The defendant was a prisoner confined to a (state) (county) (municipal) detention facility. The victim was a (officer) (employee) (visitor) (prisoner) of the institution. The defendant (threw) (expelled) a bodily substance at or toward the victim with intent that the bodily substance come into contact with the victim. The defendant intended to [cause bodily harm to] [(abuse) (harass) (offend) (intimidate) (frighten)] the victim. The victim did not consent to the substance being thrown at him or her.
	Bail Jumping	
	§ 946.49(1)(b) - Felony	<ol style="list-style-type: none"> The defendant was arrested for or charged with a felony. The defendant was released from custody on bond. The defendant intentionally failed to comply with the terms of that bond. The defendant knew of the terms of the bond and knew that (his) (her) actions did not comply with those terms.
	§ 946.49(1) - Misdemeanor	<ol style="list-style-type: none"> The defendant was arrested for or charged with a misdemeanor. The defendant was released from custody on bond. The defendant intentionally failed to comply with the terms of that bond. The defendant knew of the terms of the bond and knew that (his) (her) actions did not comply with those terms.
	Battery (bodily harm only) [Simple Battery]	
	§ 940.19(1) - Misdemeanor	<ol style="list-style-type: none"> The defendant caused bodily harm to another person. The defendant intended to cause bodily harm to the other person. The other person did not consent to such bodily harm. The defendant knew that the other person did not consent.
	Battery by Prisoner	
	§ 940.20(1) - Felony	<ol style="list-style-type: none"> The defendant was a prisoner confined to a (state) (county) or (municipal) detention facility as a result of a violation of a law The defendant intentionally caused bodily harm to a person. That person was a(n) officer or employee or visitor or another inmate of the detention facility The defendant caused bodily harm to the person The defendant knew that the person was an officer, employee, visitor or another inmate of the detention facility and that person did not consent to the causing of the bodily harm.
	Battery to Law Enforcement Officer	
	§ 940.20(2) - Felony	<ol style="list-style-type: none"> The defendant caused bodily harm to another person; The other person was a law enforcement officer; The law enforcement officer was acting in an official capacity; The defendant knew, or had reason to know, that the victim was a law enforcement officer acting in an official capacity; The defendant caused bodily harm without the consent of the officer; The defendant acted intentionally.
	Burglary (unarmed)	
	§ 943.10(1m)(a) - Felony	<ol style="list-style-type: none"> The defendant intentionally entered the building / dwelling of another. The defendant did not have the consent of the owner or person in lawful possession to enter. The defendant knew that the entry was without consent to enter. At the time of entry, the defendant intended to steal or commit a felony.
	Burglary (Armed)	
	§ 943.10(2)(a) - Felony	<ol style="list-style-type: none"> The defendant intentionally entered the (building) (dwelling) of another. The defendant did not have the consent of the owner or person in lawful possession to enter. The defendant knew that the entry was without consent to enter. At the time of entry, the defendant intended to (steal) or (commit a felony). The defendant committed the burglary while armed with a dangerous (weapon) or (device).
	Burglary (Arming Self During Burglary)	
	§ 943.10(2)(b) - Felony	<ol style="list-style-type: none"> The defendant intentionally entered the (building) or (dwelling) of another. The defendant did not have the consent of the owner or person in lawful possession to enter. The defendant knew that the entry was without consent to enter. At the time of entry, the defendant intended to steal or commit a felony. The defendant armed himself or herself with a dangerous (weapon) or (device) while still inside the burglarized enclosure.
	Burglary of a Room of a Building or Dwelling	
	§ 943.10(1m)(f) - Felony	<ol style="list-style-type: none"> The defendant intentionally entered a building / dwelling of another. The defendant did not have the consent of the owner or person in lawful possession to enter. The defendant knew that the entry was without consent to enter. At the time of entry, the defendant intended to steal or commit a felony. The defendant entered a room in accordance with the prior elements
	Carrying a Concealed Weapon	
	§ 941.23 - Misdemeanor	<ol style="list-style-type: none"> The defendant went armed with a dangerous weapon. The defendant was aware of the presence of the weapon. The weapon was concealed.
	Criminal Damage to Property	
	§ 943.01(1) - Misdemeanor	<ol style="list-style-type: none"> The defendant caused damage to physical property. The defendant intentionally caused this damage. The property belonged to another person. The defendant caused the damage without the consent of the owner. The defendant knew the property belonged to another person and knew that the other person did not consent to the damage.
	Criminal Trespass to Dwelling	
	§ 943.14 - Misdemeanor	<ol style="list-style-type: none"> The defendant intentionally entered the dwelling of another person. The defendant entered without the consent of someone lawfully upon the premises. The defendant entered under circumstances tending to create or provoke a breach of the peace. The defendant knew that the entry into the dwelling was made without consent and under circumstances tending to create or provoke a breach of the peace.
	Delivery of a Controlled Substance (Controlled Substance Analog)	
	§ 961.41 (1) - Felony	<ol style="list-style-type: none"> The defendant delivered a substance. The substance was a (controlled substance) (controlled substance analog). The defendant knew or believed that the substance was a (controlled substance) (controlled substance analog).