A requirement for criminal liability under Alaska law is the performance of a voluntary act.

A “voluntary act” means a bodily movement performed consciously as a result of effort and determination, and includes the possession of property if the person was aware of the physical possession or control for a sufficient period to have been able to terminate it.

An act is considered “involuntary” if it is the result of reflexive or convulsive movements, or movements during sleep, unconsciousness, or hypnosis. A reflexive action, such as a muscular contraction that occurs spontaneously, without intervention of the conscious brain, when the body is subjected to stimulus is not a voluntary act.

The State bears the burden of proof beyond a reasonable doubt to establish the defendant committed a voluntary act. If the State has not proved a voluntary act beyond a reasonable doubt, you must find the defendant not guilty.

**USE NOTE**

When a defendant produces evidence sufficient to raise a reasonable doubt that his actions were voluntary, the defendant is entitled to a jury instruction on this defense, and the State must prove the element of voluntariness beyond a reasonable doubt. *Palmer v. State*, 379 P.3d 981, 989 (Alaska App. 2016).

“An act is voluntary unless it is a true reflexive reaction.” *Mooney v. State*, 105 P.3d 149, 155 (Alaska App. 2005).

The definition of “voluntary act” in this instruction is taken from 11.81.900.

If a case involves a voluntary omission, the parties should amend this instruction and consider the definition of “omission” in AS 11.81.900 and 11.81.600.