

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report Summary

TO: Members of the Judicial Council

FROM: Task Force on Criminal Jury Instructions
Hon. Carol A. Corrigan, Chair
Hon. James D. Ward, Vice-Chair
Robin Seeley, Attorney, 415-865-7710
robin.seeley@jud.ca.gov

DATE: August 26, 2005

SUBJECT: Judicial Council Jury Instructions: Approve the Criminal
Instructions Prepared by the Task Force on Criminal Jury
Instructions (Action Required)

Issue Statement

The Task Force on Criminal Jury Instructions has completed its work on the Judicial Council criminal jury instructions. The instructions would be effective January 1, 2006. The instructions, approximately 700 in number, must be approved by the Judicial Council before they can be published.

Recommendation

The Task Force on Criminal Jury Instructions recommends that the Judicial Council;

Effective January 1, 2006, approve the criminal jury instructions
prepared by the task force;

The table of contents for the proposed jury instructions is attached at pages 17–64. The proposed criminal jury instructions are not included with this report, but are posted at: www2.courtinfo.ca.gov/crimjuryinst/.¹

¹ A draft hard copy of the instructions was distributed to all council members in May 2005. The version that is posted has been revised as a result of review by the Rules and Projects Committee and the copyediting process. The instructions have also been renumbered in accordance with the attached table of contents.

Rationale for Recommendation

The Task Force on Jury Instructions was appointed in 1997, following a recommendation of the Blue Ribbon Commission on Jury System Improvement, and comprised a Criminal Subcommittee and a Civil Subcommittee. Following council approval of the civil jury instructions in July 2003, the task force's Civil Subcommittee became the Advisory Committee on Civil Jury Instructions and the task force became the Task Force on Criminal Jury Instructions. The mission of the task force is to draft comprehensive, legally accurate jury instructions that are readily understood by the average juror. The Task Force on Criminal Jury Instructions has completed work on approximately 700 jury instructions and is submitting these now for council approval.

These instructions were drafted and edited by the task force and circulated for public comment. An official publisher, LexisNexis Matthew Bender, has been selected and is preparing to publish print and electronic versions of the criminal jury instructions once council approval has been obtained.

Alternative Actions Considered

No alternative action was considered because no alternative existed that would fulfill the council's charge to the task force.

Comments From Interested Parties

All of the criminal jury instructions have been circulated for public comment. Hundreds of comments were received and evaluated, and numerous changes were made to the instructions based on the comments.

Implementation Requirements and Costs

The implementation costs will be minimal. Under a publication agreement, the official publisher, LexisNexis Matthew Bender, will make copies of the instructions available to all judicial officers free of charge. The instructions will be offered in print and electronic formats. Additionally, LexisNexis will provide training on a computer program that automates the drafting of jury instructions to court employees at no cost. As is currently the case with the civil jury instructions, the Judicial Council will retain royalties from the sales of the official publisher's jury instructions. The royalties are allocated to the Trial Court Improvement Fund.

There will be some intangible costs associated with the learning curve as the legal community makes the transition to using the new instructions. To ease this transition, the AOC Education Division/Center for Judicial Education and Research will offer education programs to familiarize judges with the instructions. The task force has already participated in bar association continuing legal

education seminars, and staff will continue efforts to familiarize the bar with the new instructions.

Attachments

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FROM: Task Force on Criminal Jury Instructions
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Robin Seeley, Attorney, 415-865-7710
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DATE: August 26, 2005

SUBJECT: Judicial Council Jury Instructions: Approve the Criminal Instructions Prepared by
the Task Force on Criminal Jury Instructions (Action
Required)

Issue Statement

The Task Force on Criminal Jury Instructions, has completed its work on the Judicial Council criminal jury instructions. The instructions must be approved by the Judicial Council before they can be published. The instructions would be effective January 1, 2006.

Background

In 1996 the Blue Ribbon Commission on Jury System Improvement reported that jury instructions could be made more useful to the jury if the following recommendations were adopted: (1) jurors should be given basic substantive instructions before the trial begins, and (2) jury instructions should be redrafted in more understandable language. The latter recommendation derived from the commission's conclusion that "jury instructions as presently given in California and elsewhere are, on occasion, simply impenetrable to the ordinary juror."

In light of the commission's view that jurors could be accurately instructed on the law in language that was more easily understood than the language in use at that time, the Judicial Council created the Task Force on Jury Instructions. Chief Justice Ronald M. George identified the following two principal goals underlying the creation of more intelligible instructions: (1) making jurors' experiences more meaningful and rewarding and (2) providing clear instructions that would improve the quality of justice by ensuring that jurors understood and applied the law correctly in their deliberations.

The Task Force on Jury Instructions was appointed in 1997. Its charge was to draft comprehensive, legally accurate jury instructions that can be readily understood by the average juror. Following council approval of the new civil jury instructions in July 2003, the Civil Subcommittee of the original task force became the Advisory Committee on Civil Jury Instructions, and the Criminal Subcommittee became the Task Force on Criminal Jury Instructions. That task force has completed work on approximately 700 criminal jury instructions. The task force has drafted and edited these instructions and circulated them for public comment. The official publisher for the civil jury instructions, LexisNexis Matthew Bender, will publish the criminal jury instructions following approval by the Judicial Council.

History of the Task Force on Jury Instructions

In the 1940s, judges of the Los Angeles Superior Court began drafting pattern instructions known as BAJI (*Book of Approved Jury Instructions*) and CALJIC (*California Jury Instructions Criminal*). Over time, BAJI and CALJIC became well accepted. However, these instructions have been criticized for being difficult for jurors to understand.

In the early 1990s, the council appointed the Blue Ribbon Commission on Jury System Improvement. Among other things, the commission recommended that a task force be created to draft plain-English jury instructions that accurately state the law. The Judicial Council, in response to this recommendation, created the Task Force on Jury Instructions in 1997. Associate Justice Carol A. Corrigan of the First Appellate District was appointed chair of the task force and Associate Justice James D. Ward of the Fourth Appellate District was appointed vice-chair. The task force was divided into two subcommittees, criminal and civil. Justice Corrigan has led the Criminal Subcommittee, and Justice Ward directed the Civil Subcommittee. Both committees included appellate justices, trial judges, attorneys from various sections of the bar, laypeople, and academics. At present, the Criminal Subcommittee, now called the Task Force on Criminal Jury Instructions, has 15 members.

The council approved the Judicial Council civil jury instructions on July 16, 2003, to be effective September 1, 2003. Since that date, the Judicial Council has approved several proposals by the Advisory Committee on Civil Jury Instructions to update the civil jury instructions.²

Plain-English Initiative

The movement toward plain English in jury instructions has been national in scope. Studies have shown that the courts have failed to effectively communicate the law to jurors, who are average citizens with educational levels that sometimes are several steps below those of judges and

²Rule 6.59 of the California Rules of Court, effective July 1, 2005, provides for an Advisory Committee on Criminal Jury Instructions to regularly review the case law and statutes affecting the criminal jury instructions. Committee members will be appointed effective November 1, 2005, as part of the regular procedures for appointing new advisory committee members.

lawyers.³ In particular, these studies note problems with comprehension of the legal jargon that frequently appears in pattern jury instructions.

A study in Washington, D.C., showed that many jurors had a limited understanding of terms that are familiar to lawyers.⁴ For example, more than half the people in the study could not define *speculate*. About a quarter selected the wrong definitions for *burden of proof*, *impeach*, *admissible evidence*, and *inference*. More than half thought *preponderance of the evidence* meant a slow, careful pondering of the evidence. Importantly, psycholinguistic studies also have demonstrated that comprehension improves when relatively common terms are used to define legal concepts.⁵

While the law is complex, there are other reasons jury instructions are not written as clearly as possible. One philosophy holds that in order to be legally accurate, jury instructions must mirror the language of statutes and appellate court opinions, even at the risk of confusing jurors.

However, statutes and opinions are not written with jurors in mind. When appellate courts write opinions, they write for an audience of lawyers, not jurors. Similarly, legislation is directed, at least initially, to an audience of legislators. Thus, jury instructions that use the language from these sources often become complex and ponderous and contain words with special meanings.⁶

The problem is exacerbated by the fact that contemporary juries are required to address increasingly complex matters. Tests of jury instructions have found that the more complex the subject matter, the greater the need for simplicity in the language used to explain the subject. Additionally, for many California residents, English is a second language. There is a greater need for clarity today than ever before.

³ Schwarzer, *Communicating With Juries: Problems and Remedies* (1981) 69 Cal.L.Rev. 731; Charrow and Charrow, *Making Legal Language Understandable: A Psycholinguistic Study of Jury Instructions* (1979) 79 Colum.L.Rev. 1306; and Tiersma, *Reforming the Language of Jury Instructions* (1993) 22 Hofstra L.Rev. 37.

⁴ *Id.*, Schwarzer, p. 741.

⁵ Tiersma, *supra* fn. 3, at pp. 42-43.

⁶ Courts have noted the need to explain statutory provisions to jurors on occasion:

[A] jury instruction that clarifies the application of statutory language in a particular context does not “add to the words of a statute.” . . . It is a court’s duty and responsibility to determine the meaning and scope of statutory language that is ambiguous. “An instruction in the language of a statute is proper only if the jury would have no difficulty in understanding the statute without guidance from the court. It is not proper if reasonable men might differ as to the construction of the statute, for it would delegate to the jury the function of statutory interpretation that belongs to the court.”

(*Torres v. Parkhouse Tire Service, Inc.* (2001) 26 Cal.4th 995, 1003–1004, citations omitted.)

Drafting procedure

Staff attorneys in the Administrative Office of the Courts' Office of the General Counsel prepared the initial drafts of the new criminal jury instructions. In preparing the drafts, the attorneys researched California law, consulted appropriate secondary sources, and reviewed plain-English jury instructions prepared by other states.

Staff submitted first drafts to a working group of the original task force's Criminal Subcommittee for further editing. The working group then submitted that product to the subcommittee for final editing. When necessary, the subcommittee relayed comments back to staff or to a working group for further refinement of the instructions.

Once this drafting was completed, the subcommittee sent batches of instructions out for public comment through mailings and postings on the judicial branch's public Web site. Hard copies of the instructions also were sent to anyone who requested them. All judges in the state were informed of the releases and invited to request hard copies and submit comments. Additionally, criminal practitioner organizations were notified prior to each release.

Many helpful suggestions arrived in the hundreds of public comments, and the subcommittee revised the instructions in light of the suggestions. The AOC's editorial staff monitored the process in order to make technical corrections and maintain a consistent style.

Drafting concepts

The members of the task force carefully considered, and sometimes extensively debated, many issues affecting the writing of the instructions. Their decisions on the most significant of those issues are discussed and explained below. In some areas, the Criminal Subcommittee found uncertainty in the law. The task force did not view itself as a law revision committee and therefore did its best to state the law that the Legislature and the courts have created.

Drafting techniques

To guide its drafting efforts, the task force reviewed the literature on jury instructions and considered the recommendations for improving instructional clarity and comprehensibility. Throughout the process, the Criminal Subcommittee followed a style manual containing rules of composition that had been derived from law review articles by linguists analyzing the problem of jury instruction comprehensibility. When drafting the instructions, the task force applied many of the specific techniques suggested by the literature,⁷ including the following:

- Avoid using nominalizations (verb forms made to function as nouns).
- Use "modal" verbs (*must*, *may*) to clarify the jury's task.
- Avoid redundancy and unnecessary words.

⁷ See, e.g., Lind and Partridge, Federal Judicial Center, *Pattern Criminal Jury Instructions* (1987), Appendix A, "Suggestions for Improving Juror Understanding of Instructions"; Schwarzer, Charrow and Charrow, and Tiersma, *supra*, fn. 3..)

- Use the active voice.
- Use short sentences.
- Keep the subject close to the verb; move interrupting phrases to the beginning or end of the sentence.
- Avoid omitting relative pronouns and auxiliary verbs.
- Avoid double negatives.
- Be concrete rather than abstract.
- Avoid instructing the jurors about things they do not need to know.
- Adopt a structure that is logical and easy to follow.

The central drafting rule was to strive for plain English while accurately stating the law. To that end, the Criminal Subcommittee did not just quote statutes and cases, it translated complicated legal terms into their plain English equivalents.

Examples of plain-English writing

CALJIC 2.21.1:

Innocent misrecollection is not uncommon.

Judicial Council criminal jury instruction:

People sometimes honestly forget things or make mistakes about what they remember.

CALJIC 2.21.2:

A witness who is willfully false in one material aspect of his or her testimony is to be distrusted in others. You may reject the whole testimony of a witness who willfully has testified falsely as to a material point, unless, from all the evidence, you believe the probability of truth favors his or her testimony in other particulars.

Judicial Council criminal jury instruction:

If you decide that a witness deliberately lied about something important, you should consider not believing anything that witness says. Or, if you think the witness lied about some things, but told the truth about others, you may simply accept the part that you think is true and ignore the rest.

CALJIC 2.00:

Evidence is either direct or circumstantial. Direct evidence is evidence that directly proves a fact. It is evidence which by itself, if found to be true, establishes that fact. Circumstantial evidence is evidence that, if found to be true, proves a fact from which an inference of the existence of another fact may be drawn. An inference is a deduction of fact that may logically and reasonably be drawn from another fact or group of facts established by the evidence.

Judicial Council criminal jury instruction:

Facts may be proved by direct or indirect evidence. Direct evidence proves a fact by itself. For example, if a witness testifies he saw it raining outside before he came into the courthouse, that testimony is direct evidence that it was raining. Indirect evidence is also called circumstantial evidence. Circumstantial evidence proves a fact based on a reasonable conclusion drawn from one or more other facts. For example, if a witness testifies he saw someone come inside wearing a raincoat covered with drops of water, that testimony is circumstantial evidence because it supports a conclusion that it was raining outside.

CALJIC 2.90:

A defendant in a criminal action is presumed to be innocent until the contrary is proved, and in the case of a reasonable doubt whether his guilt is satisfactorily shown, he is entitled to a verdict of not guilty. This presumption places upon the people the burden of proving him guilty beyond a reasonable doubt. Reasonable doubt is defined as follows, it is not a mere possible doubt, because everything relating to human affairs is open to some possible or imaginary doubt. It is that state of the case which, after the entire comparison and consideration of all the evidence, leaves the minds of the jurors in that condition that they cannot say they feel an abiding conviction of the truth of the charge.

Judicial Council criminal jury instruction:

A defendant in a criminal case is presumed to be innocent. This presumption requires that the people prove each element of a crime beyond a reasonable doubt. Proof beyond a reasonable doubt is proof that leaves you with an abiding conviction that the charge is true. The evidence need not eliminate all possible doubt, because everything in life is open to some possible or imaginary doubt. In deciding whether the People have proved their case beyond a reasonable doubt, you must impartially compare and consider all the evidence. Unless the evidence proves the defendant guilty beyond a reasonable doubt, he is entitled to an acquittal and you must find him not guilty.

Style

In addition to adhering to principles of plain English, the task force made certain stylistic decisions to make the instructions more straightforward. The more significant decisions are described below.

Tone

The task force's mandate was to produce instructions that are accurate and comprehensible to jurors. In setting a tone, the task force attempted to balance the need for clarity and plain English with the appropriate formality for jury instructions.

Legal terminology

Where definitions had to be used, they were generally incorporated into the body of the main instruction, rather than set out as separate instructions. Where possible, the Criminal Subcommittee refrained from using legal terms; instead, the subcommittee incorporated the definitions of such terms into the language of the instructions. It also did not use the terms "general intent" and "specific intent" in describing the requisite mental state for crimes. Instead, the instructions provide explanations of the mental state without using these potentially confusing legal labels.

Scope of content

To help focus the jury on the central issues, the Criminal Subcommittee also combined multiple instructions and sought to arrange concepts in a logical order, thereby avoiding the scattering of legal concepts.

Numbering

The numbering system for the instructions does not include decimal points. The instructions are listed in the order in which they are likely to be given, so serious crimes come before lesser included offenses. Listed elements in the instructions are numbered so that the jury more clearly understands what needs to be proved.

Designations

The instructions refer to the judge in the first person (“I” statements), thereby avoiding confusing references to “the court.”

Notes

The first item to appear in the notes (under “Instructional Duty”) is information about any sua sponte instructional duties, as well as any other information about when to give optional provisions of the instruction. The notes also alert users to special issues and provide cross-references to other relevant instructions. The task force believed this information would be useful to judges and practitioners and would also help prevent instructional error.

The next section (“Authority”) cites and quotes the case law and statutory authority on which the Criminal Subcommittee relied for the instructional language. The “Authority” section also provides references to the Witkin series of practice manuals as appropriate. Generally, the subcommittee tried to provide substantial authority to support the instructions. The subcommittee occasionally included a “Commentary” section that explains specific drafting choices or addresses other issues.

Scope of coverage

The Criminal Subcommittee drafted approximately 700 instructions. The instructions include all of the topics currently covered by CALJIC. Additionally, the subcommittee widened the coverage of these topics and added instructions that also cover topics not found in CALJIC.

Status of CALJIC

The Administrative Office of the Courts has established a transition arrangement with the Superior Court of Los Angeles County whereby the court will stop maintaining CALJIC when the Judicial Council has published the criminal instructions. The publisher of the CALJIC volumes (West Group) may continue publishing CALJIC.

An official publisher for the Judicial Council jury instructions was deemed desirable to ensure both the accuracy of the instructions and their publication in appropriate print and electronic formats. After several publishers responded to a request for proposals, LexisNexis Matthew Bender was selected to be that official publisher. In addition to hard-copy and electronic versions of the instructions, the official publisher will offer the most advanced and user-friendly computer application available, using the HotDocs platform. The application will (1) allow users to conveniently edit and format the instructions; (2) include features such as a linked table of contents, a search function, an editing function, an option for inputting global information or changes, printing options, and storage options; and (3) be suitable for common operating systems and word-processing programs. The publisher will provide the instructions and the computer program to all California bench officers at no cost.

Comments From Interested Parties

The first set of criminal instructions was released for public comment in June 2000. This release stimulated public critiques and enabled the drafters to refine particular instructions as well as

make global choices about format and approach. There were five subsequent releases, culminating with the sixth and final release in January 2005.

The Criminal Subcommittee received hundreds of comments on the instructions and made revisions based on many of the recommendations. In general, the comments were positive. For example, in response to the June 2000 public release, Justice Ming W. Chin wrote: “You rewrote the instructions to enable the average juror to understand them easily . . . I think you succeeded.”

A few comments were generally unfavorable. For example, in response to the June 2000 release, one judge reported: “These instructions avoid legalese, but they “dumb down” the justice process.”

Most commentators offered constructive feedback on how the instructions could be written to more accurately state the law.

Controversial issues

In general, members of the criminal defense bar wanted more references to reasonable doubt, and members of district attorneys offices wanted fewer. On this issue and others, the Criminal Subcommittee sought to strike a fair balance between the two camps.

In response to the first release in June 2000, the California District Attorneys Association expressed its disapproval of the term “prosecutor” in the instructions. The subcommittee subsequently changed the term to “the People.” After the subcommittee implemented this change, members of the criminal defense bar disapproved. The subcommittee carefully considered their concerns, but noted that Penal Code section 684 expressly states that “[a] criminal action is prosecuted in the name of the people of the State of California” “The subcommittee therefore retained “the People.”

Sometimes the subcommittee received recurring comments from specific groups in response to every public release. For example, the California District Attorneys Association repeatedly commented about the following introductory language to the elements: “In order to prove that the defendant is guilty of this crime, the People must prove that:” Their concern was that this language suggested that only evidence introduced during the People’s case-in-chief could be used to convict the defendant. The subcommittee carefully considered this comment, but concluded that any change to the language could be construed as relieving the People of their burden of proving every element of a crime, so the subcommittee did not change this language.

Other groups expressed opposition to the entire project. These commentators preferred to use the CALJIC instructions because they have already been tested in the appellate courts.

RUPRO Review of Instructions

In April 2005, all council members were sent a complete set of the instructions, along with a draft council report. RUPRO met on May 24, 2005 to discuss approximately half the instructions and met again June 30, 2005 to review the remaining instructions and decide whether to recommend that the Judicial Council approve the instructions at the August 26, 2005 meeting.

The RUPRO members carefully reviewed the instructions. Each series of instructions was assigned to two RUPRO members. Justice Corrigan and the staff attorney assigned to the task force were present at both meetings to respond to questions from members and to keep a record of suggested modifications to the instructions. RUPRO members had substantive as well as stylistic suggestions. The major changes made as a result of RUPRO's review are summarized below.

Instruction 359, Corpus Delicti: *Independent Evidence of a Charged Crime*:

Changed “Unless you conclude that other evidence shows someone committed the charged crime, you may not rely on any out-of-court statement[s] by the defendant to convict (him/her)” to “Unless you conclude that other evidence shows someone committed the charged crime [or a lesser included offense], you may not rely on any out-of-court statement[s] by the defendant to convict (him/her) [of that crime or lesser offense]” to allow for the possibility that the court will instruct on lesser included offenses.

Instruction 505, *Justifiable Homicide: Self-Defense or Defense of Another*:

Changed “The defendant must have believed there was imminent danger of violence to (himself/herself/ [or] someone else)” to “The defendant must have believed there was imminent danger of great bodily injury to (himself/herself/ [or] someone else)” to reflect that a mere fear of violence would not justify homicide.

Instruction 511, and other identically worded instructions:

Changed “an ordinary person of average disposition” to “a person of average disposition” because the word “ordinary” is not helpful and may even be misleading.

Instructions 590 and 591, *Gross Vehicular Manslaughter While Intoxicated* **and** *Vehicular Manslaughter While Intoxicated – Ordinary Negligence*:

Changed first element to include the optional language allowing for “driving while having a blood alcohol level of 0.08 or higher” for accuracy.

Instruction 727 and 728, *Special Circumstances: Lying in Wait*:

Added the definition of deliberation and premeditation rather than referring to another instruction for that language: “The defendant acted *deliberately* if (he/she) carefully weighed the considerations for and against (his/her) choice and, knowing the consequences, decided to kill. The defendant acted with *premeditation* if (he/she) decided to kill before committing the act that caused death” to avoid the possibility of instructional error by omission.

Instruction 860 and similarly worded assault instructions:

Broke down the first element of Alternative 1B into two parts for clarity as follows:

- [1A. The defendant did an act that by its nature would directly and probably result in the application of force to a person, and
- 1B. The force used was likely to produce great bodily injury;]

Instruction 1000 and other similarly worded instructions:

Changed “public official” to “public office” to clarify that it must be the defendant who purports to use official authority.

Instruction 1036 and other similarly worded sex crimes:

The term “participated in” will be used consistently when a vulnerable victim is involved, and otherwise the term “committed” will be used, which tracks the statutory language.

Instruction 1141 and other similarly worded instructions:

Changed “Matter is not obscene if . . .” to “Matter is not considered obscene under the law” for clarity.

Instruction 1202, *Kidnapping for Ransom, Reward, Extortion*:

Added “[It is not necessary that the person be moved for any distance.]” to clarify that there is no asportation requirement for this type of kidnapping when the defendant is charged with other counts of kidnapping to prevent juror confusion.

Instruction 1400, 1401 and 736, *Criminal Street Gang Crimes*:

Added “[The crimes, if any, that establish a pattern of criminal gang activity, need not be gang-related.]” for clarity.

Instruction 1401, *Felony Committed for Benefit of Criminal Street Gang*

Added: “[You must also decide whether the crime[s] in Count[s] ____ (was/were) committed on the grounds of, or within 1,000 feet of a (public/private) (elementary/ [or] vocational/ [or] junior high/ [or] middle school/ [or] high) school open to or being used by minors for classes or school-related programs at the time.]” and “[The People need not prove that the defendant is an active or current member of the alleged criminal street gang.]”

Instruction 1402, *Gang Crime Enhancement*:

Added: “. . . and you find that the defendant committed (that/those) crime[s] for the benefit of, *at the direction of, or in association with a criminal street gang with the intent to promote, further, or assist in any criminal conduct by gang members,* you must then decide . . .” to better track the language of the statute. New language is in italics.

Instruction 1403, *Limited Purpose of Evidence of Gang Activity*:

Changed “[The defendant acted with the intent and knowledge that are required to prove the gang-related (crime[s]/ [and] enhancement[s]) charged” to “[The defendant acted with the intent, purpose, and knowledge that are required to prove the gang-related (crime[s]/ [and] enhancement[s]/ [and special circumstance allegations) charged” for clarity.

Instruction 1700, *Burglary*:

Changed the second element not to refer to felonies as the intended offenses, since theft may be a misdemeanor.

Instruction 3163, *Domestic Violence with Great Bodily Injury*:

Changed “dated” and “dating” to “dating relationship” and added a definition of “dating relationship” for clarity and accuracy and added “The person who was injured does not have to be a person with whom the defendant had a relationship” to cover situations like the one in *People v. Truong* (2001) 90 Cal.App.4th 887.

Implementation Requirements and Costs

Implementation costs will be minimal. Under the publication agreement, the official publisher will make copies of the instructions available to all judicial officers free of charge. The instructions will be offered in print and electronic format. Additionally, a computer program that automates the drafting of jury instructions will be available at no cost to the courts. The official publisher will also provide training on the use of this program to the courts at no cost. Under Government Code, section 77209(i), all royalties received from the official publisher for the publication of the Judicial Council jury instructions will be deposited in the Trial Court Improvement Fund and used for the improvement of the jury system. There will be some intangible costs associated with the learning curve as the legal community makes the transition to using the new instructions. To ease this transition, the AOC Education Division/Center for Judicial Education and Research will modify its existing education programs to familiarize judges with the instructions. The Civil Subcommittee (now the Advisory Committee on Civil Jury Instructions) has already participated in bar association continuing legal education seminars, and efforts to familiarize the bar with the new criminal jury instructions will continue.

Recommendation

The Task Force on Criminal Jury Instructions recommends that the Judicial Council:

Effective January 1, 2006, approve the criminal jury instructions prepared by the task force as the official Judicial Council criminal jury instructions.

The table of contents for the proposed jury instructions is attached at pages 17 to 64.
Attachments

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		356	Miranda-Defective Statements
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		358	Evidence of Defendant's Statements
		359	Corpus Delicti: Independent Evidence of a Charged Crime
		360	Defendant's Statements to Expert
		361	Failure to Explain or Deny Adverse Testimony
		362	Consciousness of Guilt: False Statements
		363–369	Reserved
	E. Particular Types of Evidence	370	Motive
		371	Consciousness of Guilt: Suppression and Fabrication of Evidence
		372	Defendant's Flight
		373	Other Perpetrator
		374	Dog Tracking Evidence
		375	Evidence of Uncharged Offenses to Prove Identity, Intent, or Common Scheme, etc.
		376	Possession of Stolen Property
		377–399	Reserved
4. Aiding and Abetting, Inchoate, and Accessorial Crimes	A. Aiding and Abetting and Related Doctrines	400	Aiding and Abetting: General Principles

Aiding and Abetting (cont'd)		401	Aiding and Abetting: Intended Crimes
		402	Natural Probable Consequences Doctrine (Target and Non-Target Offenses)
		403	Natural Probable Consequences Doctrine (Only Non-Target Offenses)
		404	Intoxication
		405–414	Reserved
	B. Conspiracy	415	Conspiracy
		416	Evidence of Uncharged Conspiracy
		417	Liability for Coconspirators' Acts
		418	Coconspirator's Statements
		419	Acts Committed or Statements Made Before Joining Conspiracy
		420	Withdrawal From Conspiracy
		421–439	Reserved
	C. Accessory and Solicitation	440	Accessories
		441	Solicitation: Elements
		442	Solicitation Minor: Element
		443	Compelling Another to Commit Crime
		444–449	Reserved
	D. Corporate Officers	450	Liability of Corporate Officers and Agents: Single Theory of Liability
		451	Liability of Corporate Officers and Agents: Two Theories of Liability
		452–459	Reserved
	E. Attempt	460	Attempt to Other Than Attempted Murder
		461–499	Reserved

5. Homicide	A. General Principles	500	Homicide: General Principles
		501–504	Reserved
	B. Justifications and Excuses	505	Excusable Homicide: Self-Defense or Defense of Another
		506	Excusable Homicide: Defending Against Harm to Person Within Home or on Property
		507	Excusable Homicide: by Public Officer
		508	Excusable Homicide: Citizen Arrest (Non-Peace Officer)
		509	Excusable Homicide: Non-Peace Officer Preserving The Peace
		510	Excusable Homicide: Accident
		511	Excusable Homicide: Heat of Passion
		512	Presumption That Killing Not Criminal
		513–519	Reserved
	C. Murder: First and Second Degree	520	Murder With Malice Aforethought
		521	Murder: Degrees
		522	Provocation: Effect on Degree of Murder
		523	First Degree Murder: Hate Crime Enhancement
		524	Second Degree Murder: Peace Officer
		525	Second Degree Murder: Discharge From Motor Vehicle
		526–539	Reserved

Homicide (cont'd)	D. Felony Murder	540a	Felony Murder: First Degree—Defendant Allegedly Committed Fatal Act
		540b	Felony Murder: First Degree—Co-Participant Allegedly Committed Fatal Act
		540c	Felony Murder: First Degree—Other Acts Allegedly Caused Death
		541a	Felony Murder: Second Degree—Defendant Allegedly Committed Fatal Act
		541b	Felony Murder: Second Degree—Co-Participant Allegedly Committed Fatal Act
		541c	Felony Murder: Second Degree—Other Acts Allegedly Caused Death
		542–547	Reserved
		548	Murder: Alternative Theories
		549	Felony Murder: One Continuous Transaction—Defined
		550–559	Reserved
	E. Alternate Theories of Liability	560	Homicide: Provocative Act by Defendant
		561	Homicide: Provocative Act by Accomplice
		562	Transferred Intent
		563	Conspiracy to Commit Murder
		564–569	Reserved
	F. Manslaughter: (I) Voluntary	570	Voluntary Manslaughter: Heat of Passion
Homicide (cont'd)		571	Voluntary Manslaughter: Imperfect Self-Defense

		572	Voluntary Manslaughter: Murder Not Charged
		573–579	Reserved
	(II) Involuntary	580	Involuntary Manslaughter Lesser Included Offenses
		581	Involuntary Manslaughter: Murder Not Charged
		582	Involuntary Manslaughter: Failure to Perform Legal Duty
		583–589	Reserved
	(III) Vehicular	590	Gross Vehicular Manslaughter While Intoxicated
		591	Vehicular Manslaughter While Intoxicated—Ordinary Negligence
		592	Gross Vehicular Manslaughter
		593	Misdemeanor Vehicular Manslaughter—Ordinary Negligence
		594	Vehicular Manslaughter: Collision for Financial Gain
		595	Vehicular Manslaughter: Speeding Laws Defined
		596–599	Reserved
	G. Attempt	600	Attempted Murder
		601	Attempted Murder: Deliberation and Premeditation
		602	Attempted Murder: Peace Officer or Firefighter
		603	Attempted Voluntary Manslaughter: Heat of Passion—Lesser Included Offense
Homicide (cont'd)		604	Attempted Voluntary Manslaughter: Imperfect Self- Defense—Lesser Included Offense
		605–619	Reserved

	H. Causation: Special Issues	620	Causation: Special Issues
		621–624	Reserved
	I. Impairment Defenses	625	Voluntary Intoxication: Effects on Homicide Crimes
		626	Voluntary Intoxication Causing Unconsciousness: Effects on Homicide Crimes
		627	Hallucination Defense to Premeditation
		628–639	Reserved
	J. Charge to Jury	640	Procedure for Completion of Verdict Forms: With <i>Stone</i> Instruction
		641	Procedure for Completion of Verdict Forms: Without <i>Stone</i> Instruction
		642–699	Reserved
	K. Special Circumstances: (I) General Instructions	700	Introduction to Special Circumstances
		701	Special Circumstances: Intent Requirement for Accomplice Before June 6, 1990
		702	Special Circumstances: Intent Requirement for Accomplice After June 5, 1990—Other Than Felony Murder
		703	Special Circumstances: Intent Requirement for Accomplice After June 5, 1990—Felony Murder
Homicide (cont'd)		704	Special Circumstances: Circumstantial Evidence— Sufficiency
		705	Special Circumstances: Circumstantial Evidences— Intent or Mental State

		706	Special Circumstances: Jury May Not Consider Punishment
		707	Special Circumstances: Accomplice Testimony Must Be Corroborated—Dispute Whether Witness Is Accomplice
		708	Special Circumstances: Accomplice Testimony Must Be Corroborated—No Dispute Whether Witness Is Accomplice
		709–719	Reserved
	(II) Special Circumstances	720	Special Circumstances: Financial Gain
		721	Special Circumstances: Multiple Murder Convictions (Same Case)
		722	Special Circumstances: by Means of Destructive Device
		723	Special Circumstances: Murder to Prevent Arrest or Escape
		724	Special Circumstances: Murder of Peace Officer, Federal Officer, or Firefighter
		725	Special Circumstances: Murder of Witness
		726	Special Circumstances: Murder of Judge, Prosecutor, Government Official, or Juror
Homicide (cont'd)		727	Special Circumstances: Lying in Wait—Before March 8, 2000
		728	Special Circumstances: Lying in Wait—After March 8, 2000
		729	Special Circumstances: Murder Because of Race, Religion, or Nationality
		730	Special Circumstances: Murder in Commission of Felony

		731	Special Circumstances: Murder in Commission of Felony—Kidnapping with Intent to Kill
		732	Special Circumstances: Murder in Commission of Felony—Arson With Intent to Kill
		733	Special Circumstances: Murder With Torture
		734	Special Circumstances: Murder by Poison
		735	Special Circumstances: Discharge From Vehicle
		736	Special Circumstances: Killing by Street Gang Member
		737	Special Circumstances: Murder of Transportation Worker
		738–749	Reserved
	(III) Special Circumstances With Prior Murder	750	Special Circumstances: Prior Murder Conviction
		751	Special Circumstances: Second Degree Murder With Prior Prison for Murder
		752–759	Reserved
Homicide (cont'd)	L. Death Penalty	760	Death Penalty: Introduction to Penalty Phase
		761	Death Penalty: Duty of Jury
		762	Reserved
		763	Death Penalty: Factors to Consider—Not Identified as Aggravating or Mitigating
		764	Death Penalty: Evidence of Other Violent Crimes
		765	Death Penalty: Conviction for Other Felony Crimes
		766	Death Penalty: Weighing Process

		767–774	Reserved
		775	Death Penalty: Mental Retardation
		776–799	Reserved
6. Assaultive and Battery Crimes	A. Mayhem	800	Aggravated Mayhem
		801	Mayhem
		802–809	Reserved
	B. Torture	810	Torture
		811–819	Reserved
	C. Abuse of or Injury to Child, Elder or Dependent Adult, Spouse: (I) Child	820	Assault Causing Death of Child
		821	Child Abuse Likely to Produce Great Bodily Harm or Death
		822	Inflicting Physical Punishment on Child
		823	Child Abuse
		824–829	Reserved
	(II) Elder or Dependent Adult	830	Abuse of Elder or Dependent Adult Likely to Produce Great Bodily Harm or Death
Assaultive and Battery Crimes (cont'd)		831	Abuse of Elder or Dependent Adult
		832–839	Reserved
	(III) Spouse, etc.	840	Inflicting Injury on Spouse, Cohabitant, or Fellow Parent Resulting in Traumatic Condition

		841	Simple Battery: Against Spouse, Cohabitant, or Fellow Parent
		842–849	Reserved
	(IV) Evidence	850	Testimony on Intimate Partner Battering and Its Effects: Credibility of Complaining Witness
		851	Testimony on Intimate Partner Battering and Its Effects: Offered by the Defense
		852	Evidence of Uncharged Domestic Violence
		853	Evidence of Uncharged Elder or Dependent Adult Abuse
		854–859	Reserved
	D. Assault: (I) With Weapon or Force Likely (A) on Specified People	860	Assault on Firefighter or Peace Officer With Deadly Weapon or Force Likely to Produce Great Bodily Injury
		861	Assault on Firefighter or Peace Officer With Stun Gun or Taser
		862	Assault on Custodial Officer With Deadly Weapon or Force Likely to Produce Great Bodily Injury
Assaultive and Battery Crimes (cont'd)		863	Assault on Transportation Personnel or Passenger With Deadly Weapon or Force Likely to Produce Great Bodily Injury
		864–874	Reserved
	(B) General	875	Assault With a Deadly Weapon or Force Likely to Produce Gbi
		876	Assault With Stun Gun or Taser
		877	Assault With Caustic Chemicals
		878–889	Reserved

	(II) With Intent to Commit Other Offense	890	Assault With Intent to Commit Sex Offense
		891	Assault With Intent to Commit Mayhem
		892–899	Reserved
	(III) Simple Assault on Specified People or in Specified Location	900	Assault on Firefighter or Peace Officer
		901	Assault on Custodial Officer
		902	Assault on Military Personnel
		903	Assault on Peace Officer of a School District
		904	Assault on School Employee
		905	Assault on a Juror
		906	Assault Committed on School or Park Property
		907	Assault on Public Transportation Provider's Property or Vehicle
		908–914	Reserved
	(IV) Simple Assault	915	Simple Assault
Assaultive and Battery Crimes (cont'd)		916	Assault by Conditional Threat
		917	Insulting Words Are Not a Defense
		918–924	Reserved
	E. Battery: (I) Causing Injury	925	Battery Causing Serious Bodily Injury
		926	Battery Causing Injury to Specified Victim Not a Peace Officer
		927–934	Reserved
	(II) Sexual Battery	935	Sexual Battery: Felony
		936	Sexual Battery on Institutionalized Victim

		937	Sexual Battery by Fraudulent Representation
		938	Sexual Battery: Misdemeanor
		939–944	Reserved
	(III) on Specified Person or in Specified Location	945	Battery Against Peace Officer
		946	Battery on Custodial Officer
		947	Battery on Military Personnel
		948	Battery Against Transportation Personnel or Passenger
		949	Battery Against School Employee
		950	Battery Against a Juror
		951	Battery Committed on School, Park, or Hospital Property
		952–959	Reserved
Assaultive and Battery Crimes (cont'd)	(IV) Simple Battery	960	Simple Battery
		961–964	Reserved
	F. Shooting and Brandishing: (I) Shooting	965	Shooting At Inhabited House or Occupied Vehicle
		966	Shooting At Uninhabited House or Unoccupied Vehicle
		967	Shooting At Unoccupied Aircraft
		968	Shooting From a Vehicle

		969	Permitting Someone to Shoot From a Vehicle
		970	Shooting Firearm in Grossly Negligent Manner
		971–979	Reserved
	(II) Brandishing	980	Brandishing Firearm in Presence of Occupant of Motor Vehicle
		981	Brandishing Firearm in Presence of a Peace Officer
		982	Brandishing Firearm to Resist Arrest
		983	Brandishing Firearm or Deadly Weapon: Misdemeanor
		984	Brandishing Firearm or Deadly Weapon: in Public Place
		985	Brandishing Imitation Firearm
		986–999	Reserved
7. Sex Offenses	A. Against Adult or Minor: (I) Rape	1000	Rape or Spousal Rape by Force, Fear, or Threats
		1001	Rape or Spousal Rape in Concert
Sex Offenses (cont'd)		1002	Rape of Intoxicated Woman or Spouse
		1003	Rape or Unconscious Woman or Spouse
		1004	Rape of a Disabled Woman
		1005	Rape by Fraud
		1006–1014	Reserved
	(II) Oral Copulation	1015	Oral Cop. by Force, Fear, or Threats
		1016	Oral Cop. in Concert
		1017	Oral Cop. of An Intoxicated Person
		1018	Oral Cop. of An Unconscious Person
		1019	Oral Cop. of a Disabled Person

		1020	Oral Cop. of a Disabled Person in a Mental Hospital
		1021	Oral Cop. by Fraud: Elements
		1022	Oral Copulation While in Custody
		1023–1029	Reserved
	(III) Sodomy	1030	Sodomy by Force, Fear, or Threats: Elements
		1031	Sodomy in Concert
		1032	Sodomy: Intoxicated Person
		1033	Sodomy: Unconscious Person
		1034	Sodomy: Disabled Person
		1035	Sodomy: Disabled Person in Hospital
		1036	Sodomy: by Fraud
		1037	Sodomy: While in Custody
		1038–1044	Reserved
	(IV) Sexual Penetration	1045	Sexual Penetration by Force, Fear, or Threats
		1046	Sexual Penetration in Concert
		1047	Sexual Penetration of Intoxicated Person
Sex Offenses (cont'd)		1048	Sexual Penetration of Unconscious Person
		1049	Sexual Penetration of Disabled Person
		1050	Sexual Penetration of Disabled Person in Hospital
		1051	Sexual Penetration by Fraud
		1052–1059	Reserved
	(V) Lewd and Lascivious Act	1060	Lewd or Lascivious Act: Dependant Adult
		1061–1069	Reserved
	B. Against Minors Only: (I) Unlawful Sexual Intercourse	1070	Unlawful Sex. Intercourse—Defendant 21 or older
		1071	Unlawful Sex. Intercourse—Minor More Than 3 Years Younger

		1072	Misdemeanor Unlawful Sexual Intercourse: Minor Within Three Years of Defendant's Age
		1073–1079	Reserved
	(II) Oral Copulation	1080	Oral Copulation With Person Under 14
		1081	Oral Copulation With Minor-Defendant: 21 or Older
		1082	Oral Copulation With Person Under 18
		1083–1089	Reserved
	(III) Sodomy	1090	Sodomy With Person Under 14
		1091	Sodomy With Minor: Defendant 21 or Older
		1092	Sodomy With Person Under 18
		1093–1099	Reserved
	(IV) Sexual Penetration	1100	Sexual Penetration With Person Under 14
Sex Offenses (cont'd)		1101	Sexual Penetration With Minor: Defendant 21 or Older
		1102	Sexual Penetration With Person Under 18
		1103–1109	Reserved
	(V) Lewd and Lascivious Act	1110	Lewd or Lascivious Act: Child Under 14
		1111	Lewd or Lascivious Act: by Force or Fear
		1112	Lewd or Lascivious Act: Child 14 or 15 Years
		1113–1119	Reserved
	(Vi) Other Offenses	1120	Continuous Sexual Abuse
		1121	Annoying or Molesting a Child in a Dwelling

		1122	Annoying or Molesting a Child
		1123	Aggravated Sexual Assault of Child Under 14
		1124–1139	Reserved
	C. Other Sex-Related Offenses: (I) Obscene or Harmful Matter	1140	Showing or Sending Harmful Matter to Seduce Minor
		1141	Distributing Obscene Matter Showing Sexual Conduct by Minor
		1142	Distributing or Intending to Distribute Obscene Matter
		1143	Obscene Live Conduct
		1144–1149	Reserved
	(II) Pimping, Pandering, Prostitution	1150	Pimping
		1151	Pandering
		1152	Child Procurement
Sex Offenses (cont'd)		1153	Prostitution: Engaging in Act
		1154	Prostitution: Soliciting Another
		1155	Prostitution: Agreeing to Engage in Act
		1156	Loitering: for Prostitution
		1157–1159	Reserved
	(III) Conduct in Public	1160	Indecent Exposure
		1161	Lewd Conduct in Public
		1162	Soliciting Lewd Conduct in Public
		1163–1169	Reserved
	(IV) Failure to Register	1170	Failure to Register as Sex Offender
		1171–1179	Reserved
	(V) Other Offenses	1180	Incest With a Minor
		1181	Sexual Abuse of Animal

		1182–1189	Reserved
	D. Evidence	1190	Other Evidence Not Required to Support Testimony in Sex Offense Case
		1191	Evidence of Uncharged Sex Offense
		1192	Testimony on Rape Trauma Syndrome
		1193	Testimony on Child Sexual Abuse Accommodation Syndrome
		1194	Consent: Prior Sexual Intercourse
		1195–1199	Reserved
8. Kidnapping	A. Kidnapping: (I) Aggravated	1200	Kidnapping: for Child Molestation
		1201	Kidnapping: Person Incapable of Consent
		1202	Kidnapping: for Ransom, Reward, or Extortion
Kidnapping (cont'd)		1203	Kidnapping: for Robbery, Rape, or Other Sex Offenses
		1204	Kidnapping: During Carjacking
		1205–1214	Reserved
	(II) Simple Kidnapping	1215	Kidnapping
		1216–1224	Reserved
	B. Defenses	1225	Defense to Kidnapping: Protecting Child From Imminent Harm
		1226	Defense to Kidnapping: Citizen's Arrest
		1227–1239	Reserved
	C. False Imprisonment	1240	Felony False Imprisonment
		1241	False Imprisonment: Hostage
		1242	Misdemeanor False Imprisonment
		1243–1249	Reserved
	D. Child Abduction	1250	Child Abduction: No Right to Custody

		1251	Child Abduction: by Depriving Right to Custody or Visitation
		1252	Defense to Child Abduction: Protection From Immediate Injury
		1253–1299	Reserved
9. Criminal Threats and Hate Crimes	A. Threatening, Stalking, or Terrorizing	1300	Criminal Threat
		1301	Stalking
		1302	Terrorizing by Destruction Device or Explosive, or Arson
		1303–1349	Reserved
	B. Hate Crimes	1350	Hate Crime: Misdemeanor Interference With Civil Rights by Force
Criminal Threats and Hate Crimes (cont'd)		1351	Hate Crime: Misdemeanor Interference With Civil Rights by Threat
		1352	Hate Crime: Misdemeanor Interference With Civil Rights by Damage to Property
		1353	Hate Crime: Disability Defined
		1354	Hate Crime Allegation: Felony Enhancement
		1355	Hate Crime Allegation: Misdemeanor Enhancement
		1356–1399	Reserved
10. Criminal Street Gang		1400	Active Participation in Criminal Street Gang
		1401	Felony Committed for Benefit of Criminal Street Gang
		1402	Gang-Related Firearm Enhancement

		1403	Limited Purpose of Evidence of Gang Activity
		1404–1499	Reserved
11. Arson	A. Arson: (I) Aggravated	1500	Aggravated Arson
		1501	Arson: Great Bodily Injury
		1502	Arson: Inhabited Structure
		1503–1514	Reserved
	(II) Simple Arson	1515	Arson
		1516–1519	Reserved
	(III) Attempted Arson	1520	Attempted Arson
		1521–1529	Reserved
	B. Unlawfully Causing a Fire	1530	Unlawfully Causing a Fire: Great Bodily Injury
		1531	Unlawfully Causing a Fire: Inhabited Structure
Arson (cont'd)		1532	Unlawfully Causing a Fire
		1533–1549	Reserved
	C. Other Related Instructions	1550	Possession of Incendiary Device
		1551	Arson Enhancements
		1552–1599	Reserved
12. Robbery and Carjacking	A. Robbery	1600	Robbery
		1601	Robbery in Concert
		1602	Robbery: Degrees
		1603	Robbery: Intent of Aider and Abettor
		1604–1649	Reserved
	B. Carjacking	1650	Carjacking
		1651–1699	Reserved
13. Burglary and Receiving Stolen Property	A. Burglary	1700	Burglary
		1701	Burglary: Degrees
		1702	Burglary: Intent of Aider and Abettor
		1703–1749	Reserved

	B. Receiving Stolen Property and Related Instructions	1750	Receiving Stolen Property
		1751	Defense to Receiving Stolen Property: Innocent Intent
		1752	Owning or Operating a Chop Shop
		1753–1799	Reserved
14. Theft and Extortion	A. Theft	1800	Theft by Larceny
		1801	Theft: Degrees
		1802	Theft: as Part of Overall Plan
		1803	Theft: by Employee or Agent
		1804	Theft: by False Pretense
		1805	Theft by Trick
Theft and Extortion (cont'd)		1806	Theft by Embezzlement
		1807	Theft From Elder or Dependent Adult
		1808–1819	Reserved
	B. Taking or Tampering With Vehicle	1820	Unlawful Taking or Driving of Vehicle
		1821	Tampering With a Vehicle
		1822	Unlawful Taking of Bicycle or Vessel
		1823–1829	Reserved
	C. Extortion	1830	Extortion by Threat or Force
		1831	Extortion by Threatening Letter
		1832	Extortion of Signature
		1833–1849	Reserved
	D. Petty Theft With a Prior	1850	Petty Theft With Prior Conviction
		1851–1859	Reserved
	E. Theft-Related Instructions	1860	Owner's Opinion of Value

		1861	Jury Does Not Need to Agree on Form of Theft
		1862	Return of Property Not a Defense to Theft
		1863	Defense to Theft or Robbery: Claim of Right
		1864–1899	Reserved
15. Criminal Writings and Fraud	A. Forgery: (I) Forging or Passing Document	1900	Forgery by False Signature
		1901	Forgery by Endorsement
		1902	Forgery of Handwriting or Seal
		1903	Forgery by Altering or Falsifying Will or Other Legal Document
Criminal Writings and Fraud (cont'd)		1904	Forgery by Falsifying, Altering, or Counterfeiting Document
		1905	Forgery by Passing or Attempting to Use Forged Document
		1906	Forging and Passing or Attempting to Pass: Two Theories on Count
		1907–1919	Reserved
	(II) Counterfeit Driver's License	1920	Falsifying, Altering, or Counterfeiting a Driver's License
		1921	Possessing or Displaying False, Altered, or Counterfeit Driver's License
		1922–1924	Reserved
	(III) Counterfeit Seal	1925	Forgery of Government, Public, or Corporate Seal
		1926	Possession of Forged Government, Public, or Corporate Seal
		1927–1929	Reserved

	(IV) Possession W/ Intent to Defraud	1930	Possession of Forged Document
		1931	Possession of Blank Check: With Intent to Defraud
		1932	Possession of Completed Check: With Intent to Defraud
		1933–1934	Reserved
	(V) Check Fraud	1935	Making, Passing, etc., Fictitious Check or Bill
		1936–1944	Reserved
	(Vi) Filing False Document	1945	Procuring Filing of False Document or Offering False Document for Filing
Criminal Writings and Fraud (cont'd)		1946–1949	Reserved
	B. Access Card Fraud	1950	Sale or Transfer of Access Card or Account Number
		1951	Acquiring or Retaining an Access Card or Account Number
		1952	Acquiring or Retaining Account Information
		1953	Making Counterfeit Access Card or Account Number
		1954	Using or Attempting to Use Counterfeit Access Card
		1955	False Signature on Access Card or Receipt
		1956	Use of Forged, etc., Access Card
		1957	Obtaining Money, etc., by Representing Self as Holder of Access Card
		1958–1969	Reserved
	C. Check With Insufficient Funds	1970	Making, Using, etc., Check Knowing Funds Insufficient

		1971	Making, Using, etc., Check Knowing Funds Insufficient: Total Value of Checks
		1972–1999	Reserved
	D. Insurance Fraud	2000	Insurance Fraud: Fraudulent Claims
		2001	Insurance Fraud: Multiple Claims
		2002	Insurance Fraud: Vehicle Collision
		2003	Insurance Fraud: Health Care Claims—Total Value
		2004	Insurance Fraud: Destruction of Insured Property
Criminal Writings and Fraud (cont'd)		2005–2019	Reserved
	E. False Financial Statement	2020	False Financial Statement: Making False Statement
		2021	False Financial Statement: Obtaining Benefit
		2022	False Financial Statement: Reaffirming Statement
		2023	False Financial Statement: Use of False Identifying Information
		2024–2039	Reserved
	F. Identity Theft	2040	Unauthorized Use of Personal Identifying Information
		2041–2099	Reserved
16. Vehicle Offenses	A. DUI: (I) Causing Injury	2100	Driving Under The Influence Causing Injury
		2101	Driving With 0.08 Percent Blood Alcohol Causing Injury
		2102–2109	Reserved
	(II) Without Injury	2110	Driving Under The Influence
		2111	Driving With 0.08 Percent Blood Alcohol
		2112	Driving While Addicted to Drug

		2113	Driving With 0.05 Percent Blood Alcohol When Under 21
		2114–2124	Reserved
	(III) Prior Conviction	2125	Driving Under The Influence or With 0.08 Percent Blood Alcohol—Prior Convictions
		2126	Driving Under The Influence or With 0.08 Percent Blood Alcohol—Prior Convictions, Bifurcated Trial
Vehicle Offenses (cont'd)		2127–2129	Reserved
	(IV) Refusal	2130	Refusal—Consciousness of Guilt
		2131	Refusal—Enhancement
		2132–2139	Reserved
	B. Failure to Perform Duty Following Accident: (I) Death or Injury	2140	Failure to Perform Duty Following Accident—Death or Injury: Defendant Driver
		2141	Failure to Perform Duty Following Accident: Death or Injury—Defendant Non-Driving Owner or Passenger
		2142	Failure to Perform Duty Following Accident: Lesser Included Offense
		2143–2149	Reserved
	(II) Property Damage	2150	Failure to Perform Duty Following Accident: Property Damage—Defendant Driver
		2151	Failure to Perform Duty Following Accident: Property Damage—Defendant Non-Driving Owner or Passenger in Control
		2152–2159	Reserved

	(III) Enhancement	2160	Fleeing The Scene Following Accident: Enhancement for Vehicular Manslaughter
		2161–2179	Reserved
	C. Evading	2180	Evading Police Officer: Death or Serious Bodily Injury
		2181	Evading Police Officer: Reckless Driving
		2182	Evading Peace Officer (Misdemeanor)
		2183–2199	Reserved
Vehicle Offenses (cont'd)	D. Reckless Driving and Speed Contest	2200	Reckless Driving
		2201	Speed Contest
		2202	Exhibition of Speed
		2203–2219	Reserved
	E. Licensing Offenses	2220	Driving With a Suspended or Revoked License
		2221	Driving Without a License
		2222	Failing to Present Driver's License
		2223–2239	Reserved
	F. Other Vehicle Offense Instructions	2240	Failure to Appear
		2241	Driver and Driving Defined
		2242–2299	Reserved
17. Controlled Substances	A. Controlled Substance	2300	Sale, Transportation, etc., of Controlled Substance
		2301	Offering to Transport a Controlled Substance for Sale
		2302	Possession for Sale of Controlled Substance
		2303	Possession of Controlled Substance While Armed With a Firearm
		2304	Simple Possession of Controlled Substance

		2305	Defense: Momentary Possession of Controlled Substance
		2306–2314	Reserved
	B. Substitute Substance	2315	Sale of Substitute Substance
		2316	Offer to Sell Substitute Substance
		2317–2319	Reserved
	C. Forged Prescription	2320	Forged Prescription for Narcotic
Controlled Substances (cont'd)		2321	Forged Prescription for Narcotic: With Possession of Drug
		2322–2329	Reserved
	D. Manufacturing: (I) Manufacturing and Offering to Sell	2330	Manufacturing a Controlled Substance
		2331	Offering to Manufacture a Controlled Substance
		2332–2334	Reserved
	(II) Possession of Materials	2335	Possession With Intent to Manufacture Methamphetamine or N-ethylamphetamine
		2336	Possession With Intent to Manufacture PCP
		2337	Possession With Intent to Manufacture Methamphetamine
		2338	Possession of Isomers or Precursors With Intent to Manufacture Controlled Substance
		2339–2349	Reserved

	E. Marijuana: (I) Sale, Offering to Sell, Possession for Sale	2350	Sale, Furnishing, etc., of Marijuana
		2351	Offering to Sell, Furnish, etc., Marijuana
		2352	Possession for Sale of Marijuana
		2353–2359	Reserved
	(II) Transporting or Offering to Transport	2360	Transporting or Giving Away Marijuana: Not More Than 28.5 Grams— Misdemeanor
Controlled Substances (cont'd)		2361	Transporting or Giving Away Marijuana: More Than 28.5 Grams
		2362	Offering to Transport or Give Away Marijuana: Not More Than 28.5 Grams— Misdemeanor
		2363	Offering to Transport or Give Away Marijuana: More Than 28.5 Grams
		2364–2369	Reserved
	(III) Planting	2370	Planting, etc. Marijuana
		2371–2374	Reserved
	(IV) Simple Possession	2375	Simple Possession of Marijuana: Misdemeanor
		2376	Simple Possession of Marijuana on School Grounds: Misdemeanor
		2377	Simple Possession of Concentrated Cannabis
		2378–2379	Reserved
	F. Offenses Involving Minors: (I) Controlled Substances	2380	Sale, Furnishing, etc., of Controlled Substance to Minor

		2381	Offering to Sell, Furnish, etc., Controlled Substance to Minor
		2382	Employment of Minor to Sell Controlled Substance
		2383	Use of Minor as Agent to Violate Controlled Substance Law
		2384	Inducing Minor to Violate Controlled Substance Laws
		2385–2389	Reserved
	(II) Marijuana	2390	Sale, Furnishing, etc., of Marijuana to Minor
		2391	Offering to Sell, Furnish, etc., Marijuana to Minor
Controlled Substances (cont'd)		2392	Employment of Minor to Sell, etc., Marijuana
		2393	Inducing Minor to Use Marijuana
		2394–2399	Reserved
	G. Use and Possession of Paraphernalia: (I) Use	2400	Using or Being Under The Influence of Controlled Substance
		2401	Aiding and Abetting Unlawful Use of Controlled Substance
		2402–2409	Reserved
	(II) Possession of Paraphernalia	2410	Possession of Controlled Substance Paraphernalia
		2411	Possession of Hypodermic Needle or Syringe
		2412	Fraudulently Obtaining a Hypodermic Needle or Syringe
		2413	Using or Permitting Improper Use of a Hypodermic Needle or Syringe
		2414–2429	Reserved

	H. Money From Controlled Substances	2430	Possession of More Than \$100,000 Related to Transaction Involving Controlled Substance: Proceeds
		2431	Possession of More Than \$100,000 Related to Transaction Involving Controlled Substance: Money to Purchase
Controlled Substances (cont'd)		2432	Attorney's Possession of More Than \$100,000 Related to Transaction Involving Controlled Substance
		2433–2439	Reserved
	I. Other Related Offenses	2440	Maintaining a Place for Controlled Substance Sale or Use
		2441	Use of False Compartment to Conceal Controlled Substance
		2442–2499	Reserved
18. Weapons	A. Possession of Illegal or Deadly Weapon	2500	Illegal Possession, etc., of Weapons
		2501	Carrying Concealed Explosive or Dirk or Dagger
		2502	Possession, etc., of Switchblade Knife
		2503	Possession of Deadly Weapon With Intent to Assault
		2504–2509	Reserved
	B. Possession of Firearm by Person Prohibited	2510	Possession of Firearm by Person Prohibited Due to Conviction—No Stipulation to Conviction
		2511	Possession of Firearm by Person Prohibited Due to Conviction—Stipulation to Conviction

		2512	Possession of Firearm by Person Prohibited by Court Order
		2513	Possession of Firearm by Person Addicted to a Narcotic Drug
		2514	Possession of Firearm by Person Prohibited by Statute—Self-Defense
Weapons (cont'd)		2515–2519	Reserved
	C. Carrying a Firearm: (I) Concealed	2520	Carrying Concealed Firearm on Person
		2521	Carrying Concealed Firearm Within Vehicle
		2522	Carrying Concealed Firearm—Caused to Be Carried Within Vehicle
		2523–2529	Reserved
	(II) Loaded	2530	Carrying Loaded Firearm
		2531–2539	Reserved
	(III) Sentencing Factors	2540	Carrying Firearm: Specified Convictions
		2541	Carrying Firearm: Stolen Firearm
		2542	Carrying Firearm: Active Participant in Criminal Street Gang
		2543	Carrying Firearm: Not in Lawful Possession
		2544	Carrying Firearm: Possession of Firearm Prohibited Due to Conviction, Court Order, or Mental Illness
		2545	Carrying Firearm: Not Registered Owner
		2546	Carrying Concealed Firearm: Not Registered Owner and Weapon Loaded
		2547–2559	Reserved

	D. Assault Weapons	2560	Possession, etc., of Assault Weapon or .50 BMG Rifle
		2561	Possession, etc., of Assault Weapon or .50 BMG Rifle While Committing Other Offense: Charged as Separate Count and as Enhancement
Weapons (cont'd)		2562	Possession, etc., of Assault Weapon or .50 BMG Rifle While Committing Other Offense: Charged Only as Enhancement
		2563–2569	Reserved
	E. Destructive Devices and Explosives	2570	Possession of Destructive Device
		2571	Carrying or Placing Destructive Device on Common Carrier
		2572	Possession of Explosive or Destructive Device in Specified Place
		2573	Possession, Explosion, etc., of Explosive or Destructive Devices With Intent to Injure or Damage
		2574	Sale or Transportation of Destructive Devices
		2575	Offer to Sell Destructive Device
		2576	Explosion of Explosive or Destructive Device With Intent to Murder
		2577	Explosion of Explosive or Destructive Device Causing Bodily Injury
		2578	Explosion of Explosive or Destructive Device Causing Death, Mayhem, or Great Bodily Injury

		2579	Possession of Materials to Make Destructive Device or Explosive
		2580–2589	Reserved
	F. Other Weapons Offenses	2590	Armed Criminal Action
Weapons (cont'd)		2591	Possession of Ammunition by Person Prohibited From Possessing Firearm Due to Conviction or Mental Illness
		2592	Possession of Ammunition by Person Prohibited From Possessing Firearm Due to Court Order
		2593–2599	Reserved
19. Crimes Against Government	A. Bribery of Official	2600	Giving or Offering a Bribe to an Executive Officer
		2601	Giving or Offering a Bribe to a Ministerial Officer
		2602	Giving or Offering a Bribery to a Ministerial Officer: Value of Thing Offered
		2603	Requesting or Taking a Bribe
		2604–2609	Reserved
	B. Bribery or Intimidation of Witness: (I) Bribery	2610	Giving or Offering a Bribe to a Witness
		2611	Giving or Offering a Bribe to a Witness Not to Testify
		2612	Witness Receiving a Bribe
		2613–2619	Reserved
	(II) Threatening or Intimidating	2620	Using Force or Threatening a Witness Before Testimony or Information Given
		2621	Influencing a Witness by Fraud
		2622	Intimidating a Witness
		2623	Intimidating a Witness or Victim: Sentencing Factors

		2624	Threatening a Witness After Testimony or Information Given
Crimes Against Government (cont'd)		2625–2629	Reserved
	C. Evidence Tampering	2630	Evidence Tampering by Peace Officer or Other Person
		2631–2639	Reserved
	D. Perjury	2640	Perjury
		2641	Perjury by False Affidavit
		2642–2649	Reserved
	E. Threatening or Resisting Officer	2650	Threatening a Public Official
		2651	Trying to Prevent An Executive Officer From Performing Duty
		2652	Resisting An Executive Officer in Performance of Duty
		2653	Taking Firearm or Weapon While Resisting Peace Officer or Public Officer
		2654	Intentionally Taking or Attempting to Take Firearm From Peace Officer or Public Officer
		2655	Causing Death or Serious Bodily Injury While Resisting Peace Officer
		2656	Resisting Peace Officer, Public Officer, or EMT
		2657–2669	Reserved
	F. Lawful Performance	2670	Lawful Performance: Peace Officer
		2671	Lawful Performance: Custodial Officer

		2672	Lawful Performance: Resisting Unlawful Arrest With Force
Crimes Against Government (cont'd)		2673	Pat-Down Search
		2674–2679	Reserved
	G. Unlawful Assembly and Disturbing The Peace	2680	Courthouse Picketing
		2681	Disturbance of Public Meeting
		2682	Inciting a Riot
		2683	Participating in a Riot
		2684	Participating in a Rout
		2685	Participating in An Unlawful Assembly
		2686	Refusal to Disperse: Riot, Rout, or Unlawful Assembly
		2687	Refusal to Disperse: Intent to Commit Unlawful Act
		2688	Disturbing The Peace: Fighting or Challenging Someone to Fight
		2689	Disturbing The Peace: Loud and Unreasonable Noise
		2690	Disturbing The Peace: Offensive Words
		2691–2699	Reserved
	H. Violation of Court Order	2700	Violation of Court Order
		2701	Violation of Court Order: Protective Order or Stay Away
		2702	Violation of Court Order: Protective Order or Stay Away—Physical Injury

		2703	Violation of Court Order: Protective Order or Stay Away—Act of Violence
		2704–2719	Reserved
Crimes Against Government (cont'd)	I. Crimes Involving Prisoners: (I) Assault and Battery	2720	Assault by Prisoner Serving Life Sentence
		2721	Assault by Prisoner
		2722	Battery by Gassing
		2723	Battery by Prisoner on Non-Prisoner
		2724–2734	Reserved
	(II) Hostage Taking and Rioting	2735	Holding a Hostage
		2736	Inciting a Riot in a Prison or Jail
		2737–2744	Reserved
	(III) Possession of Contraband	2745	Possession or Manufacture of Weapon in Penal Institution
		2746	Possession of Firearm, Deadly Weapon, or Explosive in a Jail or County Road Camp
		2747	Bringing or Sending Firearm, Deadly Weapon, or Explosive Into Penal Institution
		2748	Possession of Controlled Substance or Paraphernalia in Penal Institution
		2749–2759	Reserved
	(IV) Escape	2760	Escape
		2761	Escape by Force or Violence
		2762	Escape After Remand or Arrest
		2763	Escape After Remand or Arrest: Force or Violence

		2764	Escape: Necessity Defense
		2765–2799	Reserved
20. Tax Crimes	A. Failure to File	2800	Failure to File Tax Return
Tax Crimes (cont'd)		2801	Willful Failure to File Tax Return
		2802–2809	Reserved
	B. False Return	2810	False Tax Return
		2811	Willfully Filing False Tax Return: Statement Made Under Penalty of Perjury
		2812	Willfully Filing False Tax Return: With Intent to Evade Tax
		2813–2824	Reserved
	C. Other Tax Offenses	2825	Aiding in Preparation of False Tax Return
		2826	Willful Failure to Pay Tax
		2827	Concealing Property With Intent to Evade Tax
		2828	Failure to Withhold Tax
		2829–2839	Reserved
	D. Evidence	2840	Evidence of Uncharged Tax Offense: Failed to File Previous Returns
		2841	No Deductions on Gross Income From Illegal Conduct
		2842	Determining Income: Net Worth Method
		2843	Determining Income: Bank Deposits Method
		2844	Determining Income: Cash Expenditures Method
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		2847–2859	Reserved
	E. Defenses	2860	Defense: Good Faith Belief Conduct Legal

		2861	Defense: Reliance on Professional Advice
Tax Crimes (cont'd)		2862–2899	Reserved
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		2901	Vandalism: Amount of Damage
		2902	Damaging Phone or Electrical Line
		2903–2914	Reserved
	B. Loitering	2915	Loitering
		2916	Loitering: Peeking
		2917	Loitering: About School
		2918–2928	Reserved
	C. Trespass	2929	Trespass After Making Credible Threat
		2930	Trespass: to Interfere With Business
		2931	Trespass: Unlawfully Occupying Property
		2932	Trespass: Entry Into Dwelling
		2933	Trespass: Person Present
		2934–2949	Reserved
	D. Dangerous Animal	2950	Failing to Maintain Control of a Dangerous Animal
		2951	Negligent Control of Attack Dog
		2952	Defenses: Negligent Control of Attack Dog
		2953–2959	Reserved
	E. Alcohol-Related Offenses (Non-Driving)	2960	Possession of Alcoholic Beverage by Person Under 21

		2961	Purchase of Alcoholic Beverage by Person Under 21
Vandalism (cont'd)		2962	Selling or Furnishing Alcoholic Beverage to Person Under 21
		2963	Permitting Person Under 21 to Consume Alcoholic Beverage
		2964	Purchasing Alcoholic Beverage for Person Under 21: Resulting in Death or Great Bodily Injury
		2965	Parent Permitting Child to Consume Alcoholic Beverage: Causing Traffic Collision
		2966	Disorderly Conduct: Under The Influence in Public
		2967–2979	Reserved
	F. Offenses Involving Care of Minor	2980	Contributing to Delinquency of Minor
		2981	Failure to Provide
		2982	Persuading, Luring, Transporting a Minor 12 Years Old or Younger
		2983–2989	Reserved
	G. Betting	2990	Bookmaking
		2991	Pool Selling
		2992	Keeping a Place for Recording Bets
		2993	Receiving or Holding Bets
		2994	Recording Bets
		2995	Permitting Place to Be Used for Betting Activities
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		2997–2999	Reserved
		3000–3099	Reserved

22. Enhancements and Sentencing Factors	A. Prior Conviction	3100	Prior Conviction: Nonbifurcated Trial
Enhancements (cont'd)		3101	Prior Conviction: Bifurcated Trial
		3102	Prior Conviction: Prison Prior
		3103	Prior Conviction: Factual Issue for Jury
		3104–3114	Reserved
	B. Armed With Firearm	3115	Armed With Firearm
		3116	Armed With Firearm: Assault Weapon, Machine Gun, or .50 BMG Rifle
		3117	Armed With Firearm: Knowledge That Co-Participant Armed
		3118–3129	Reserved
	C. Personally Armed With Deadly Weapon or Firearm	3130	Personally Armed With Deadly Weapon: Specific Offenses
		3131	Personally Armed With Firearm
		3132	Personally Armed With Firearm: Unlawfully Armed When Arrested
		3133–3144	Reserved
	D. Personally Used Deadly Weapon or Firearm	3145	Personally Used Deadly Weapon
		3146	Personally Used Firearm
		3147	Personally Used Firearm: Assault Weapon or Machine Gun
		3148	Personally Used Firearm: Intentional Discharge

		3149	Personally Used Firearm: Intentional Discharge Causing Injury or Death
Enhancements (cont'd)		3150	Personally Used Firearm: Intentional Discharge and Discharge Causing Injury or Death Both Charged
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	E. Great Bodily Injury	3160	Great Bodily Injury
		3161	Great Bodily Injury: Causing Victim to Become Comatose or Paralyzed
		3162	Great Bodily Injury: Age of Victim
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	F. Sex Offenses	3175	Sex Offenses: Sentencing Factors—Aggravated Kidnapping
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		3177	Sex Offenses: Sentencing Factors—Torture
		3178	Sex Offenses: Sentencing Factors—Burglary With Intent to Commit Sex Offense
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		3181	Sex Offenses: Sentencing Factors—Multiple Victims
		3182	Sex Offenses: Sentencing Factors—Tying or Binding
		3183	Sex Offenses: Sentencing Factors—Administered Controlled Substance
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	G. Controlled Substances	3200	Controlled Substance: Quantity
Enhancements (cont'd)		3201	Controlled Substance: Quantity—Manufacture of Controlled Substance
		3202–3219	Reserved
	H. Other Enhancements	3220	Amount of Loss
		3221	Aggravated White Collar Crime
		3222	Characteristics of Victim
		3223–3249	Reserved
	I. Templates	3250	Enhancement, Sentencing Factor, or Specified Factual Issue: Template
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	J. Related Instructions	3260	Duty of Jury: Verdict Form for Enhancement, Sentencing Factor, or Prior Conviction
		3261	During Commission of Felony: Defined—Escape Rule
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23. Defenses and Insanity	A. General Defenses	3400	Alibi
		3401	Reserved
		3402	Duress or Threats
		3403	Necessity
		3404	Accident
		3405	Parental Right to Punish Child
		3406	Mistake of Fact
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		3409	When Conduct of Officer May Not Be Attributed to Defendant
		3410	Statute of Limitations
		3411–3424	Reserved

Defenses and Insanity (cont'd)	B. Impairment Defenses	3425	Unconsciousness
		3426	Voluntary Intoxication
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		3429	Reasonable Person Standard for Physically Disabled Person
		3430–3449	Reserved
	C. Insanity and Civil Commitments	3450	Insanity: Determination, Effect on Verdict
		3451	Present Mental Competence of Defendant
		3452	Determining Restoration to Sanity
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		3454	Commitment as Sexually Violent Predator
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		3456–3469	Reserved
	D. Self-Defense and Defense of Another	3470	Right to Self-Defense or Defense of Another (Non-Homicide)
		3471	Right to Self-Defense: Mutual Combat or Initial Aggressor
		3472	Right to Self-Defense: May Not Be Contrived
		3473	Reserved
		3474	Danger No Longer Exists or Attacker Disabled
		3475	Right to Eject Trespasser From Real Property
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Defenses and Insanity (cont'd)		3477	Presumption That Resident Was Reasonably Afraid of Death or Great Bodily Injury
		3478–3499	Reserved
24. Posttrial: Concluding	A. Unanimity	3500	Unanimity
		3501	Unanimity: When Generic Testimony of Offense Presented
		3502	Unanimity: When Prosecution Elects One Act Among Many
		3503–3514	Reserved
	B. Multiple Counts and Completion of Verdict Forms	3515	Multiple Counts: Separate Offenses
		3516	Multiple Counts: Alternative Charges for One Event
		3517	Deliberations and Completion of Verdict Forms: Lesser Offenses or Degrees—Without <i>Stone</i> Instruction (Non-Homicide)
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		3519–3529	Reserved
	C. Admonitions	3530	Judge's Comment on The Evidence
		3531	Service Provider for Juror With Disability
		3532–3549	Reserved
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Posttrial: Concluding (cont'd)	E. Alternates	3575	Substitution of Alternate Juror: During Deliberations
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		3578–3589	Reserved
	F. Final Instruction on Discharge of Jury	3590	Final Instruction on Discharge of Jury
		3591–3599	Reserved