

AMENDMENTS TO THE CALIFORNIA RULES OF COURT AND
STANDARDS OF JUDICIAL ADMINISTRATION

Adopted by the Judicial Council of California on August 26, 2005

Effective August 26, 2005

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Rule 229. Proposed jury instructions

(a) [Application]

- (1) This rule applies to proposed jury instructions that a party submits to the court, including:
 - (A) “Approved jury instructions,” meaning jury instructions approved by the Judicial Council of California ~~or criminal jury instructions approved by the Committee on Standard Jury Instructions, Criminal, of the Superior Court of Los Angeles County;~~ and
 - (B) “Special jury instructions,” meaning instructions from other sources, those specially prepared by the party, or approved instructions that have been substantially modified by the party.

(2) * * *

(Subd (a) amended effective August 26, 2005; previously amended effective January 1, 2003, and effective January 1, 2004.)

(b)–(e) * * *

Rule 229 amended effective August 26, 2005; adopted effective January 1, 1949; previously amended effective April 1, 1962, July 1, 1988, January 1, 2003, and January 1, 2004.

Rule 855. Judicial Council Jury Instructions

(a)–(b) * * *

- (c) [Public access] The Administrative Office of the Courts must provide copies and updates of the approved jury instructions to the public on its the judicial branch’s public Web site. The Administrative Office of the Courts may contract with an official publisher to publish the instructions in both paper and electronic formats. The Judicial Council intends that the instructions be freely available for use and reproduction by parties, attorneys, and the public, except as limited by this subdivision. The Administrative Office of the Courts may take steps necessary to ensure that publication of the instructions by commercial publishers does not occur without its permission, including, without limitation, ensuring that commercial publishers accurately publish the Judicial Council’s instructions, accurately credit the Judicial Council as the source of the instructions, and do not claim copyright of the instructions. The

Administrative Office of the Courts may require commercial publishers to pay fees or royalties in exchange for permission to publish the instructions. As used in this rule, “commercial publishers” means entities that publish works for sale, whether for profit or otherwise.

(Subd (c) amended effective August 26, 2005.)

(d) * * *

(e) [Use of instructions] Use of the Judicial Council instructions is strongly encouraged. If the latest edition of the ~~civil~~ jury instructions approved by the Judicial Council contains an instruction applicable to a case and the trial judge determines that the jury should be instructed on the subject, it is recommended that the judge use the Judicial Council instruction unless he or she finds that a different instruction would more accurately state the law and be understood by jurors. Whenever the latest edition of the Judicial Council ~~civil~~ jury instructions does not contain an instruction on a subject on which the trial judge determines that the jury should be instructed, or when a Judicial Council instruction cannot be modified to submit the issue properly, the instruction given on that subject should be accurate, brief, understandable, impartial, and free from argument.

(Subd (e) amended effective August 26, 2005.)

Rule 855 amended effective August 26, 2005; adopted effective September 1, 2003.

California Standards of Judicial Administration

Sec. 5. Use of California Jury Instructions—Criminal (CALJIC)

~~Whenever the latest edition of California Jury Instructions—Criminal (CALJIC) contains an instruction applicable to a case and the trial judge determines that the jury should be instructed on the subject, it is recommended that the judge use the CALJIC instruction unless he or she finds that a different instruction would more adequately, accurately, and clearly state the law. Whenever the latest edition of CALJIC does not contain an instruction on a subject upon which the trial judge determines that the jury should be instructed, or when a CALJIC instruction cannot be modified to submit the issue properly, the instruction given on that subject should be accurate, brief, understandable, impartial, and free from argument. When an instruction requested by a party is a modified CALJIC instruction, the party should indicate therein, by use of parentheses or other appropriate means, the respect in which it is modified. A trial judge in considering instructions to the jury shall give~~

~~no less consideration to those submitted by the attorneys for the respective parties than to those contained in the latest edition of California Jury Instructions—Criminal (CALJIC).~~

Sec. 5 repealed effective August 26, 2005; adopted effective July 1, 1969; previously amended effective January 1, 1970, January 1, 1971, and September 1, 2003.