

**CONTEMPT**  
**(N.J.S.A. 2C:29-9)**

The defendant is charged with committing the crime of contempt.

The Statutes of New Jersey describe the crime of "contempt" as follows:

A person is guilty of a crime . . . if he purposely or knowingly disobeys a judicial order or hinders, obstructs or impedes the effectuation of a judicial order or the exercise of jurisdiction over any person, thing or controversy by a Court, administrative body or investigative entity.

In order for the defendant to be found guilty of contempt, you must find each of the following elements beyond a reasonable doubt:

**[Charge any or all of the following alternatives as appropriate.]**

**Alternative 1:** (Charge in the case of disobedience of an order.)

1. An Order of the \_\_\_\_\_ Court had been entered.<sup>1</sup>
2. That the defendant knew of the existence of the Order.
3. That the defendant purposely or knowingly disobeyed the Order.

A person has disobeyed a judicial order when that person has, with knowledge of the existence of the order, purposely or knowingly refused or failed to comply with an order as entered by the \_\_\_\_\_ Court which applies to him/her. A court order may either be written or oral. In the case at hand the proofs indicate that the order which the defendant has been charged with disobeying was written/oral.

**OR**

**Alternative 2:** Charge in the case of hindering, obstructing or impeding the effectuation of a judicial order.

1. An order of the \_\_\_\_\_ Court had been entered.<sup>2</sup>
2. That the defendant knew of the existence of the Order.
3. The defendant purposely or knowingly hindered, obstructed or impeded the

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<sup>1</sup> The question as to whether there is an order or an exercise of jurisdiction is generally a determination of law to be made by the Court.

<sup>2</sup> The question as to whether there is an order or an exercise of jurisdiction is generally a determination of law to be made by the court.

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fulfillment of the judicial order.

**OR**

**Alternative 3:** Charge in the case of hindering, obstructing or impeding the exercise of jurisdiction of a court, administrative body or investigative entity.

1. There had been an exercise of jurisdiction or an attempt to exercise jurisdiction by [insert name of Court, administrative body or investigative entity] over any person, thing or element in controversy.<sup>3</sup>
2. The defendant knew of the existence of this exercise of jurisdiction or attempted exercise of jurisdiction.
3. That the defendant by his/her conduct hindered, obstructed or impeded, that is, by his/her actions, prevented, deterred, delayed or inhibited by his/her purposeful and knowing actions the exercise of jurisdiction of [insert name of Court, administrative body or investigative entity].

A person has hindered, obstructed or impeded the fulfillment of [a judicial order or the exercise of jurisdiction] by a [court, administrative body or investigative entity] when he/she has purposely or knowingly in any way made the accomplishment of the juridical order or exercise of jurisdiction more difficult. In this situation, it does not matter whether the order or the exercise of jurisdiction is directed to the Defendant.

**[The following will be charged in all instances]**

Before the defendant can be found guilty of contempt, you must decide beyond a reasonable doubt that the defendant has purposely or knowingly [disobeyed a judicial order or hindered a judicial order or exercise of jurisdiction] beyond a reasonable doubt.

A person acts purposely with respect to the nature of his/her conduct or a result thereof if it is his/her conscious object to engage in conduct of that nature or to cause such a result. A person acts purposely with respect to attendant circumstances if he/she is aware of the existence of such circumstances or he/she believes or hopes that they exist. "With purpose," "designed," "with design" or equivalent terms have the same meaning.

A person acts knowingly with respect to the nature of his/her conduct or the attendant circumstances if he/she is aware that his/her conduct is of that nature, or that such circumstances exist, or he/she is aware of a high probability of their existence. A person acts knowingly with

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<sup>3</sup> Ibid.

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respect to a result of his/her conduct if he/she is aware that it is practically certain that his/her conduct will cause such a result. "Knowing," "with knowledge" or equivalent terms have the same meaning.

If you find beyond a reasonable doubt that the defendant purposely or knowingly [disobeyed a judicial order or hindered a judicial order or exercise of jurisdiction], then you must find defendant guilty of contempt. However, if you are not satisfied that the State has proved each of these elements beyond a reasonable doubt, then you must find the defendant not guilty.