

## **NOTICE TO THE BAR**

### **UPDATES TO MODEL CRIMINAL JURY CHARGES**

The Supreme Court Committee on Model Criminal Jury Charges has issued the following Model Criminal Jury Charges. All Model Criminal Jury Charges, including these new or revised charges, are available for downloading from the Judiciary's Internet website at <http://www.judiciary.state.nj.us/criminal/juryindx.pdf>.

#### **Non-2C Charges**

##### **Fresh Complaint: Silence or Failure to Complain (4/15/13)**

This charge was revised to mirror the change made in the Child Abuse Accommodation Syndrome model charge, which eliminated language to the effect that the jury could not "automatically conclude" that a victim's testimony was untruthful and replaced it with "you may or may not conclude" language.

##### **Instruction Regarding DNA Evidence and CODIS (5/13/13)**

This is a new charge.

##### **Judge's Inquiry When Jury Reports Inability To Reach Verdict (6/10/13)**

This is a new charge.

##### **Partial Verdicts (6/10/13)**

This is a new charge.

##### **Preliminary Instructions to the Jury (4/15/13)**

Language was added to advise jurors that if they are excused and returned to the juror assembly area, they should not discuss anything about the case or about their experience in the courtroom with their fellow jurors "because any such information may affect the ability of those individuals to serve on this trial or another trial."

##### **Recess Instructions During Jury Deliberations (6/10/13)**

This is a new charge.

#### **2C:2-3**

##### **Causation (6/10/13)**

This is a new charge.

#### **2C:2-3**

##### **Causation And Transferred Intent (6/10/13)**

This is a new charge.

- 2C:12-1.3**                    **Failure to Report the Disappearance of a Child (5/13/13)**  
This is a new charge.
- 2C:13-1c**                    **Kidnapping Child Under 16: Additional Factors (6/10/13)**  
In addition to updating the charge to conform to the standard format of the model charges, the charge was revised to set out the two elements of the offense, that is, the age of the child and the predicate crimes that justify the conviction.
- 2C:20-2b(2)(d)**            **Theft from the Person (4/15/13)**  
This is a new charge.
- 2C:20-4**                    **Theft by Deception (4/15/13)**  
This charge was updated to conform to the standard format of the model charges. In addition, the charge was revised to add the amount of the property values at the end, and a reference was added in footnote 8 to direct the trial court to the Model Jury Charge (Criminal) on Attempt, N.J.S.A. 2C:5-1, if attempted theft by deception is appropriate.
- 2C:21-22**                    **Unauthorized Practice of Law (6/10/13)**  
This is a new charge.
- 2C:39-3f**                    **Possession of Prohibited Weapons and Devices (5/13/13)**  
This charge was revised in accordance with State v. Smith, 197 N.J. 325 (2009), in which the Court held that the defendant did not have to have knowledge that the firearm was defaced under the statute.
- 2C:39-5e(1)**                **Firearms In Educational Institution (6/10/13)**  
This is a new charge.
- 2C:39-5e(2)**                **Any Other Weapon In Educational Institution (6/10/13)**  
This is a new charge.
- 2C:39-5e(2)**                **Certain Weapons In Educational Institution (6/10/13)**  
This is a new charge.
- 2C:39-5e(3)**                **Imitation Firearm In Educational Institution/School Bus (6/10/13)**  
This is a new charge.
- 52:17B-89**                    **Failure to Report A Death of a Person and Failure to Report a Death of a Person And Touching, Removing and/or Disturbing The Body of a Deceased Person (5/13/13)**  
These two charges are new.

Questions regarding these new and revised Model Criminal Jury Charges may be directed to Maria Pogue, Esq., Criminal Practice Division, Administrative Office of the Courts, Hughes Justice Complex, P.O. Box 982, Trenton, New Jersey 08625; telephone 609-633-2119.

/s/ Glenn A. Grant

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Glenn A. Grant, J.A.D.  
Acting Administrative Director of the Court

Dated: July 16, 2013