

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>. These updates to the model charges are also included on the Judiciary's "Automated Model Criminal Jury Charges System," at <http://www.judiciary.state.nj.us/criminal/amcjcs/index.htm>.

Non-2C Charge

Redacted Recorded Statement of Defendant (10/6/14)

This is a new charge.

**2C:13-1a, b(1) to (3),
and b(4)**

Kidnapping (10/6/14)

These three charges were revised to add that if the State is contending that the victim suffered emotional or psychological harm, it must prove that the victim suffered substantial or enduring emotional or psychological harm. See State v. Sherman, 367 N.J. Super. 324, 330 (App. Div. 2004), certif. denied, 180 N.J. 356 (2004).

**2C:24-4b(3), b(4),
b(5)(a)(i-iii), b(5)(b)**

Endangering the Welfare of a Child, Pornography (9/8/14)

These six new charges were drafted in accordance with statutory amendments, effective August 14, 2013. These charges should only be used for crimes committed after August 14, 2013.

2C:39-3a

Possession of a Destructive Device (9/8/14)

This is a new charge.

2C:39-5f

Possession of an Assault Firearm (10/6/14)

This charge was revised to include the types of assault firearms and the definitions for "substantially identical."

2C:40-26

**Driving while License is Suspended or Revoked for DWI or
Refusal to Submit to a Chemical Breath Test (10/30/14)**

This charge was revised to add footnote 3 citing to N.J.S.A. 39:4-50 and footnote 4 citing to N.J.S.A. 39:4-50.4a.

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

Glenn A. Grant, J.A.D.

Acting Administrative Director of the Court

Dated: February 18, 2015