



FROM THE COMMITTEE ON MODEL CRIMINAL JURY INSTRUCTIONS

The Committee on Model Criminal Jury Instructions has adopted the following amended model criminal jury instructions, effective August 2016.

ADOPTED

The Committee has adopted an amended instruction, M Crim JI 19.1, for use in cases where the defendant is charged with kidnapping under MCL 750.349 to accommodate a statutory amendment.

[AMENDED] M Crim JI 19.1 Kidnapping

(1) The defendant is charged with the crime of kidnapping. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant knowingly restrained another person. “Restrain” means to restrict a person’s movements or to confine the person so as to interfere with that person’s liberty without that person’s consent or without legal authority. The restraint does not have to exist for any particular length of time and may be related or incidental to the commission of other criminal acts.

(3) Second, when the defendant did so, [he / she] intended to do one or more of the following:

[Select appropriate subparagraph[s] based on the claims and evidence.]

- (a) hold that person for ransom or reward.
- (b) use that person as a shield or hostage.
- (c) engage in criminal sexual penetration or criminal sexual contact with that person.
- (d) take that person outside of this state.
- (e) hold that person in involuntary servitude.
- (f) engage that person in child sexually abusive activity when that person was less than 18 years old. Child sexually abusive activity includes sexual intercourse, erotic fondling, sadomasochistic abuse, masturbation, passive sexual involvement, sexual excitement, or erotic nudity.¹

Use Note

¹ Child sexually abusive activity is defined in MCL 750.145c(1)(n) as a child engaging in a “listed sexual act.” A listed sexual act is defined in MCL 750.145c(1)(i) as “sexual intercourse, erotic fondling, sadomasochistic abuse, masturbation, passive sexual involvement, sexual excitement, or erotic nudity.” Those terms, in turn, are each defined in MCL 750.145c(1), and the court may provide definitions where appropriate. See also M Crim JI 20.38, which defines these terms.

History

M Crim JI 19.1 (formerly CJI2d 19.1) was adopted in September, 2006 and amended to conform with a statutory amendment in August, 2016.

Reference Guide

Statutes

MCL 750.349(1).