

## Introduction to the Fifth Edition

Washington Pattern Jury Instructions—Criminal provides Washington’s only source of official criminal jury instructions. Many instructions are accompanied by comments from the Washington Pattern Jury Instructions Committee to help you interpret and determine applicability. This Fifth Edition reflects all of the work of the Committee on criminal instructions since the publication of the prior edition.

New or revised instructions for the Fifth Edition:

- |            |  |
|------------|--|
| Chapter 2  | WPIC 2.27 revised to reflect changes to the statutory definition of domestic violence.<br>WPIC 2.28 is a new instruction defining continuing criminal impulse.   |
| Chapter 16 | WPIC 16.01 revised to reflect statutory change to the requirement to prove malice and adopting a good faith standard with regard to a police officer’s use of deadly force.<br>WPIC 16.04 revised to add language that words alone are not adequate provocation for a defendant to be the aggressor.   |
| Chapter 17 | WPIC 17.06 and WPIC 17.06.01 withdrawn, revised, and relocated to new Chapter 21.  |
| Chapter 18 | WPIC 18.25 revised to reflect case law with regard to proof of lack of consent regarding first degree rape, second degree rape, and indecent liberties.  |
| Chapter 19 | WPIC 19.02.01 withdrawn to reflect amendment to RCW 9A.40.090(1) eliminating this defense to luring.<br>WPIC 19.12 revised to reflect statutory amendments replacing phrase “court ordered parenting plan” with “court order making residential provisions for the child” with regard to custodial interference.<br>WPIC 19.18 is a new instruction to address a statutory defense to the crime of disclosing intimate images. |

- Chapter 21 New chapter on reimbursement of defense costs for self-defense and justified use of force.
- Chapter 30 WPIC 30.03 revised pursuant to case law regarding aggravating factors of concealment of crime and murder committed during course of, in furtherance of, or immediate flight from various other felony offenses.
- Chapter 31 This chapter dealing with the penalty phase of capital cases is withdrawn in its entirety as no longer needed.
- Chapter 35 WPIC 35.23.051 is a new instruction for third degree assault in courtroom elements.  
 WPIC 35.25 and WPIC 35.26 now only apply to gross misdemeanor fourth degree assault.  
 WPIC 35.25.01, WPIC 35.25.02, WPIC 35.26.01, and WPIC 35.26.02 are new instructions addressing felony fourth degree assault.  
 WPIC 35.25.03 is a new definition of family household member which applies only to felony fourth degree assault offenses committed between July 23, 2017 and March 18, 2020.
- Chapter 36 WPIC 36.55 (special verdict form) is withdrawn.  
 WPIC 36.56 is revised to include “intimate partner.”  
 WPIC 36.91 through the end of the chapter are new instructions to address the new offense of hate crime established by the Legislature effective July 28, 2019.
- Chapter 37 WPIC 37.02 and WPIC 37.04 revised to reflect statutory changes to elements of robbery in the first and second degrees.  
 WPIC 37.50 revised to clarify that robbery is committed even if the taking occurs after death if the intent was formed prior to the death.
- Chapter 38 WPIC 38.01, WPIC 38.02, WPIC 38.03, and WPIC 38.04 revised to reflect statutory change in required mental state for crime of criminal mistreatment in first and second degree.  
 WPIC 38.06 now applies only to offenses of criminal mistreatment in the third degree committed before July 23, 2017.  
 WPIC 38.06.01 is a new instruction that applies to offenses of criminal mistreatment in the third degree committed after July 23, 2017.

## INTRODUCTION

- Chapter 39 WPIC 39.15 and WPIC 39.16 revised to reflect case law regarding unlawful imprisonment. WPIC 39.17 is a new instruction regarding unlawful imprisonment. WPIC 39.40 and WPIC 39.41 revised to reflect statutory amendment adding element of intent to luring statute.
- Chapter 39A This chapter that deals with human trafficking has been extensively revised and reorganized for this edition.
- Chapter 43 Revised and new instructions (WPIC 43.01.01, WPIC 43.02.01, and WPIC 43.07) to address 2017 legislation that created two degrees of voyeurism.
- Chapter 49A The instructions in this chapter have been revised to reflect legislative changes adding the element of the defendant being 18 years of age or older to some crimes related to sexual depictions of minors.
- Chapter 50 WPIC 50.18, WPIC 50.19, and WPIC 50.54 are new instructions to be used for the offense of retail marijuana sales to a person under 21. WPIC 50.82 is a new instruction to be used for an enhanced sentence for delivery of a controlled substance to a person under the age of 18.
- Chapter 70 WPIC 70.30, WPIC 70.31, WPIC 70.32, and WPIC 70.33 are new instructions regarding theft from a vulnerable adult.
- Chapter 71 WPIC 71.12, WPIC 71.12.01, WPIC 71.12.02, WPIC 71.16, WPIC 71.17, WPIC 71.18, and WPIC 71.19 are new instructions covering the elements of organized retail theft in the first and second degrees as well as instances with an accomplice, multiple accomplices, considering cumulative value, and in aggregation.
- Chapter 79 WPIC 79.35 is a new instruction defining a vulnerable adult for purposes of the offense of theft from a vulnerable adult.
- Chapter 85 WPIC 85.01, WPIC 85.02, WPIC 85.05, and WPIC 85.06 revised to add damage to a ballot box to the definition of malicious mischief in the first and second degree.
- Chapter 89 New chapter on crimes involving operation of motor vehicles.

PATTERN JURY INSTRUCTIONS—CRIMINAL

- Chapter 92 WPIC 92.25 and WPIC 92.26 revised to reflect a change in the number of prior DUIs to support a felony charge of DUI or physical control.
- Chapter 98 WPIC 98.01 and WPIC 98.02 revised to reflect definition of vehicle and motor vehicle for traffic cases effective July 28, 2019.
- Chapter 131 Significant revisions and new instructions (WPIC 131.01.01 and WPIC 131.01.02) reflecting statutory changes elevating the degree of identity theft when a senior or vulnerable adult is the victim effective July 23, 2017.
- Chapter 133 A new instruction, WPIC 133.02.09, and revised instructions to reflect expansions of the statutory definition of unlawful possession of a firearm in the second degree effective July 28, 2019.
- Chapter 135 This is a new chapter with instructions for animal cruelty offenses.
- Chapter 190 WPIC 190.07 revised to reflect statutory changes regarding reimbursement for self-defense costs.  
WPIC 190.075 is a new special verdict form for cases in which a defendant who is a peace officer is seeking reimbursement for justifiable use of force defense costs.  
WPIC 190.21 is a new special verdict form for date of the crime.  
WPIC 190.22 is a new special verdict form for continuing criminal impulse.
- Chapter 300 WPIC 300.03 revised to add language regarding bias.  
WPIC 300.33 revised definition of Good Samaritan.