

TABLE OF INSTRUCTIONS

Volume 1

PART 1 GENERAL INSTRUCTIONS

A. INTRODUCTORY INSTRUCTIONS

Inst. No.		Page
CALJIC 0.50	Pre-trial Admonition	3
CALJIC 1.00	Respective Duties of Judge and Jury.....	11
CALJIC 1.01	Instructions to be Considered as a Whole	14
CALJIC 1.02	Statements of Counsel—Evidence Stricken Out— Insinuations of Questions—Stipulated Facts	15
CALJIC 1.03	Juror Forbidden to Make Any Independent Investigation.....	17
CALJIC 1.04	Defendant Physically Restrained—Cautionary Instruction	19
CALJIC 1.05	Juror’s Use of Notes	21
CALJIC 1.06	Identification of Parties and Crimes Charged	23
CALJIC 1.08	Sign Language or CART Interpreter in Jury Room....	25
CALJIC 1.09	Support Dog in Courtroom.....	27
CALJIC 1.10	Disabled Witness’s/Child’s Testimony by Closed Circuit Television	29

B. INSTRUCTION TERMINOLOGY

CALJIC 1.11	“Defendant”—Singular Includes Plural	30
CALJIC 1.12	Anonymity of Alleged Victim	31

C. DEFINITIONS

CALJIC 1.20	“Willfully”—Defined	32
CALJIC 1.21	“Knowingly”—Defined.....	34
CALJIC 1.22	“Malice” and “Maliciously”—Defined	35
CALJIC 1.23	“Consent”—Defined.....	36
CALJIC 1.23.1	“Consent”—Defined in Rape, Sodomy, Unlawful Penetration and Oral Copulation	38
CALJIC 1.23.2	“Prevented From Resisting”—Defined in Rape, Sodomy, Forcible Penetration and Oral Copulation	40
CALJIC 1.24	“Possession”—Defined.....	42
CALJIC 1.25	“Minor”—Defined	43
CALJIC 1.26	“Peace Officer”—Defined	44

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.		Page
CALJIC 1.27	“Firefighter”—Defined.....	46
CALJIC 1.28	“Driver/Driving”—Defined	47

D. MISCELLANEOUS INSTRUCTIONS

CALJIC 1.40	Parent’s Duty to Protect Child.....	49
CALJIC 1.41	Parent’s Duty to Provide Child With Necessities of Life	50

PART 2 EVIDENCE AND GUIDES FOR ITS CONSIDERATION

A. GENERAL RULES

CALJIC 2.00	Direct and Circumstantial Evidence—Inferences ...	54
CALJIC 2.01	Sufficiency of Circumstantial Evidence—Generally	56
CALJIC 2.02	Sufficiency of Circumstantial Evidence to Prove Specific Intent or Mental State.....	59
CALJIC 2.03	Consciousness of Guilt—Falsehood	62
CALJIC 2.04	Efforts by Defendant to Fabricate Evidence.....	64
CALJIC 2.05	Efforts Other Than by Defendant to Fabricate Evidence	65
CALJIC 2.06	Efforts to Suppress Evidence.....	66
CALJIC 2.07	Evidence Limited to One Defendant Only	68
CALJIC 2.08	Statement Limited to One Defendant Only	70
CALJIC 2.09	Evidence Limited as to Purpose	71
CALJIC 2.10	Statements Made by Defendant to Physician	72
CALJIC 2.11	Production of All Available Evidence Not Required.	74
CALJIC 2.11.5	Unjoined Perpetrators of Same Crime	75
CALJIC 2.12	Weighing Transcript Testimony of Unavailable Witness	77
CALJIC 2.13	Prior Consistent or Inconsistent Statements as Evidence	78
CALJIC 2.13.1	Prior Inconsistent Statement of Defendant in Violation of <i>Miranda v. Arizona</i>	79
CALJIC 2.15	Possession of Stolen Property	81
CALJIC 2.16	Dog-Tracking Evidence	84

B. EVALUATION OF EVIDENCE

(a) Witnesses Generally

CALJIC 2.20	Believability of Witness.....	86
CALJIC 2.20.1	Evaluation of Testimony of Child Ten Years of Age or Younger	90

TABLE OF INSTRUCTIONS

Inst. No.		Page
CALJIC 2.20.2	Evaluation of Developmentally Disabled or Impaired Witness	92
CALJIC 2.21.1	Discrepancies in Testimony.....	94
CALJIC 2.21.2	Witness Willfully False	95
CALJIC 2.22	Weighing Conflicting Testimony	96
CALJIC 2.23	Believability of Witness—Conviction of a Felony	98
CALJIC 2.23.1	Believability of a Witness—Commission of Misdemeanor.....	100
CALJIC 2.24	Believability of Witness—Evidence of Character for Honesty or Truthfulness.....	102
CALJIC 2.25	Refusal of Witness to Testify—Exercise of Privilege Against Self-Incrimination	104
CALJIC 2.26	Refusal of Witness to Testify—Exercise of Privilege Other Than Self-Incrimination	106
CALJIC 2.27	Sufficiency of Testimony of One Witness	107
CALJIC 2.28	Failure to Timely Disclose Evidence	109
CALJIC 2.29	Witness in Custody/In Restraints—Cautionary Instructions	112
 (b) Character Evidence 		
CALJIC 2.40	Traits of Character of Defendant.....	113
CALJIC 2.42	Cross-Examination of a Character Witness	115
 (c) Other Evidence 		
CALJIC 2.50	Evidence of Other Crimes.....	117
CALJIC 2.50.01	Evidence of Other Sexual Offenses	121
CALJIC 2.50.02	Evidence of Other Domestic Violence.....	125
CALJIC 2.50.03	Evidence of Other Elder Abuse Offenses	131
CALJIC 2.50.04	Evidence Of Other Child Abuse Offenses	134
CALJIC 2.50.1	Evidence of Other Crimes by the Defendant Proved by a Preponderance of the Evidence	137
CALJIC 2.50.2	Definition of Preponderance of the Evidence	139
CALJIC 2.51	Motive.....	141
CALJIC 2.52	Flight After Crime	143
 (d) Self-Incrimination Privilege 		
CALJIC 2.60	Defendant Not Testifying—No Inference of Guilt May Be Drawn	146
CALJIC 2.61	Defendant May Rely on State of Evidence	148
CALJIC 2.62	Defendant Testifying—When Adverse Inference May Be Drawn	149

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.		Page
C. ADMISSIONS AND CONFESSIONS		
CALJIC 2.70	Confession and Admission—Defined	152
CALJIC 2.71	Admission—Defined	155
CALJIC 2.71.5	Adoptive Admission—Silence, False or Evasive Reply to Accusation.....	157
CALJIC 2.71.7	Pre-Offense Statement by Defendant.....	159
CALJIC 2.72	Corpus Delicti Must Be Proved Independent of Admission or Confession.....	160
D. EXPERT TESTIMONY		
CALJIC 2.80	Expert Testimony—Qualifications of Expert	162
CALJIC 2.81	Opinion Testimony of Lay Witness.....	165
CALJIC 2.82	Hypothetical Questions.....	167
CALJIC 2.83	Resolution of Conflicting Expert Testimony.....	169
E. PRESUMPTION OF INNOCENCE AND BURDEN OF PROOF		
CALJIC 2.90	Presumption of Innocence—Reasonable Doubt—Burden of Proof	170
CALJIC 2.91	Burden of Proving Identity Based Solely on Eyewitnesses.....	174
CALJIC 2.92	Factors to Consider in Proving Identity by Eyewitness Testimony	176
PART 3 CULPABILITY FOR CRIME		
A. PRINCIPALS		
CALJIC 3.00	Principals—Defined.....	181
CALJIC 3.01	Aiding and Abetting—Defined	184
CALJIC 3.02	Principals—Liability for Natural and Probable Consequences	188
CALJIC 3.03	Termination of Liability of Aider and Abettor	192
CALJIC 3.04	Compelling Another to Commit Crime	194
B. ACCOMPLICES		
CALJIC 3.10	Accomplice—Defined.....	195
CALJIC 3.11	Testimony of Accomplice or Codefendant Must Be Corroborated	198
CALJIC 3.12	Sufficiency of Evidence to Corroborate an Accomplice	200

TABLE OF INSTRUCTIONS

Inst. No.		Page
CALJIC 3.13	One Accomplice May Not Corroborate Another	202
CALJIC 3.14	Criminal Intent Necessary to Make One an Accomplice	203
CALJIC 3.15	Concerning Feigned or Pretended Accomplice	204
CALJIC 3.16	Witness Accomplice as Matter of Law	205
CALJIC 3.17	Accomplice—Person Under 14 Years of Age.....	207
CALJIC 3.18	Testimony of Accomplice or Codefendant to be Viewed With Care and Caution	209
CALJIC 3.19	Burden to Prove Corroborating Witness Is an Accomplice	211
CALJIC 3.20	Cautionary Instruction—In-Custody Informant	212

C. CORPORATIONS

CALJIC 3.25	Corporation Is a Person	215
CALJIC 3.26	Corporation Officers and Agents	216

D. CRIMINAL INTENT

CALJIC 3.30	Concurrence of Act and General Criminal Intent ..	217
CALJIC 3.31	Concurrence of Act and Specific Intent	219
CALJIC 3.31.5	Mental State.....	221
CALJIC 3.32	Evidence of Mental Disease—Received for Limited Purpose	223
CALJIC 3.33	Act Alone—No Intent Involved	225

E. CRIMINAL NEGLIGENCE

CALJIC 3.35	Concurrence of Act and Criminal Negligence	226
CALJIC 3.36	Criminal or Gross Negligence—Defined	227
CALJIC 3.37	Impaired Physical Faculties—Amount of Caution ...	229

F. CAUSATION

CALJIC 3.40	Cause—“But for” Test	230
CALJIC 3.41	More Than One Cause/Concurrent Cause.....	233

PART 4 EXEMPTIONS AND DEFENSES

A. INSANITY

(a) Defense of Sanity

CALJIC 4.00	The Defense of Insanity	237
-------------	-------------------------------	-----

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.		Page
CALJIC 4.01	Effect of Verdict of Not Guilty by Reason of Insanity.....	241
CALJIC 4.02	Insanity Resulting From Intoxication, Drugs or Narcotics	243
CALJIC 4.03	Temporary Insanity	245
CALJIC 4.04	Insanity—Lucid Intervals	246
CALJIC 4.05	Insanity—“Irresistible Impulse”	247
CALJIC 4.06	Insanity—Insane Delusion as Defense	248
 (b) Doubt of Present Mental Competence		
CALJIC 4.10	Doubt of Present Mental Competence	249
 (c) Proceedings After Commitment		
CALJIC 4.15	Restoration of Sanity	252
CALJIC 4.16	Concluding Instruction—Restoration of Sanity	254
CALJIC 4.17	Proceedings to Extend Commitment	255
CALJIC 4.17.1	Defense of Medication	258
CALJIC 4.18	Commitment of Youth Authority for Further Detention	260
CALJIC 4.19	Commitment As Sexually Violent Predator	263
 B. INTOXICATION		
CALJIC 4.20	Voluntary Intoxication—Not a Defense to General Intent Crimes	269
CALJIC 4.21	Voluntary Intoxication—When Relevant to Specific Intent	271
CALJIC 4.21.1	Voluntary Intoxication—Trial With General and Specific Intent Crimes	273
CALJIC 4.21.2	Voluntary Intoxication—Aider and Abettor	275
CALJIC 4.22	Voluntary Intoxication—Consideration	276
CALJIC 4.23	Involuntary Intoxication—Consideration	278
 C. UNCONSCIOUSNESS		
CALJIC 4.30	Unconscious Act—Defined—Burden of Proof	280
CALJIC 4.31	Presumption of Consciousness	282
 D. MISTAKE		
CALJIC 4.35	Ignorance or Mistake of Fact	283

TABLE OF INSTRUCTIONS

Inst. No.		Page
CALJIC 4.36	Ignorance or Mistake of Law	285
CALJIC 4.36.1	Ignorance or Mistake of Law—When a Defense....	287
E. DURESS; NECESSITY		
CALJIC 4.40	Duress—Threats and Menaces	289
CALJIC 4.42	Coercion of Human Trafficking Victim.....	292
CALJIC 4.43	Defense of Necessity—General	294
CALJIC 4.44	Defense of Necessity—Escape From Prison.....	297
F. ACCIDENT AND MISFORTUNE		
CALJIC 4.45	Accident and Misfortune	299
CALJIC 4.47	Defense of Mental Incapacity.....	301
G. ALIBI		
CALJIC 4.50	Alibi	304
CALJIC 4.51	Alibi—Aider and Abettor or Co-Conspirator	306
H. ENTRAPMENT		
CALJIC 4.60	Entrapment—When a Defense—Burden of Proof ..	307
CALJIC 4.61	Entrapment—Objective Test—Guidance	310
CALJIC 4.61.5	Entrapment—Permissible and Impermissible Conduct.....	312
CALJIC 4.62	When Acts of Detective May Not Be Imputed to Accused.....	313
I. LIMITATION OF ACTION		
CALJIC 4.70	Limitation of Action.....	314
CALJIC 4.71	Proof Need Not Show Exact Time of Crime.....	316
CALJIC 4.71.5	When Proof Must Show Specific Act or Acts Within Time Alleged	318
CALJIC 4.72	Time Factor When Particular Time Elected	320
CALJIC 4.73	Time Defendant Out of State	321
CALJIC 4.74	Limitation of Action—Fraud, Theft, Breach of Fiduciary Duty, Official Misconduct.....	322
J. PARENT’S RIGHT TO DISCIPLINE CHILD		
CALJIC 4.80	Parent’s Right to Discipline Child	324

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.	Page
PART 5 GENERAL PRINCIPLES OF JUSTIFICATION	
A. EXCUSABLE HOMICIDE	
CALJIC 5.00	Excusable Homicide—Lawful Act329
CALJIC 5.01	Excusable Homicide—Heat of Passion.....331
B. JUSTIFIABLE HOMICIDE	
(a) In Defense of Self, Others or Property	
CALJIC 5.10	Resisting Attempt to Commit Felony333
CALJIC 5.12	Justifiable Homicide in Self-Defense.....335
CALJIC 5.13	Justifiable Homicide—Lawful Defense of Self or Another337
CALJIC 5.14	Homicide in Defense of Another339
CALJIC 5.15	Charge of Murder—Burden of Proof re Justification or Excuse340
CALJIC 5.16	Forcible and Atrocious Crime—Defined341
CALJIC 5.17	Actual But Unreasonable Belief in Necessity to Defend—Manslaughter343
(b) Other Justifiable Homicide	
CALJIC 5.25	Lawful Arrest or Keeping the Peace347
CALJIC 5.26	Justifiable Homicide—By Public Officers.....349
C. NON-HOMICIDAL DEFENSE OF SELF OR OTHER	
CALJIC 5.30	Self-Defense Against Assault351
CALJIC 5.31	Assault With Fists—When Use of Deadly Weapon Not Justified354
CALJIC 5.32	Use of Force in Defense of Another356
D. PERMISSIBLE FORCE IN DEFENSE OF PROPERTY	
CALJIC 5.40	Defense of Property—Ejection of Trespasser.....357
CALJIC 5.42	Resisting an Intruder Upon One’s Property359
CALJIC 5.43	Force That May Be Used in Defense of Property.....361
CALJIC 5.44	Presumption of Fear of Death/Great Bodily Injury ..362
E. GENERAL PRINCIPLES CONCERNING SELF-DEFENSE	
CALJIC 5.50	Self-Defense—Assailed Person Need Not Retreat ..364

TABLE OF INSTRUCTIONS

Inst. No.		Page
CALJIC 5.50.1	Prior Threats/Assaults by Victim.....	366
CALJIC 5.51	Self-Defense—Actual Danger Not Necessary	367
CALJIC 5.52	Self-Defense—When Danger Ceases	369
CALJIC 5.53	Self-Defense Not an Excuse After Adversary Disabled	370
CALJIC 5.54	Self-Defense by an Aggressor	371
CALJIC 5.55	Plea of Self-Defense May Not Be Contrived.....	373
CALJIC 5.56	Self-Defense—Participants in Mutual Combat	375
CALJIC 5.57	Transferred Self-Defense	377

PART 6 ANTICIPATORY AND ACCESSORIAL CRIMES

A. ATTEMPTS

CALJIC 6.00	Attempt—Defined	381
CALJIC 6.01	Abandonment of Attempt—When Not a Defense	384
CALJIC 6.02	Abandonment of Attempt—When a Defense	386

B. CONSPIRACY

CALJIC 6.10	Conspiracy and Overt Act—Defined	387
CALJIC 6.10.5	Conspiracy and Overt Act—Defined—Not Pleaded as a Crime Charged	391
CALJIC 6.11	Conspiracy—Joint Responsibility	394
CALJIC 6.12	Conspiracy—Proof of Express Agreement Not Necessary.....	397
CALJIC 6.13	Association Alone Does Not Prove Membership in Conspiracy	398
CALJIC 6.14	Acquaintance With All Co-Conspirators Not Necessary.....	399
CALJIC 6.16	When Conspirators Not Liable for Act or Declaration of Co-Conspirator.....	400
CALJIC 6.17	Conspirators Not Bound by Act or Declaration of Non-Conspirator.....	401
CALJIC 6.18	Commission of Act in Furtherance of a Conspiracy Does Not Itself Prove Membership in Conspiracy	402
CALJIC 6.19	Joining Conspiracy After Its Formation	403
CALJIC 6.20	Withdrawal From Conspiracy.....	404
CALJIC 6.21	Liability for Acts Committed After Termination of Conspiracy	406
CALJIC 6.22	Conspiracy—Case Must Be Considered as to Each Defendant	407
CALJIC 6.23	Conspiracies and Substantive Crimes Charged and Overt Acts Alleged.....	409

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.		Page
CALJIC 6.24	Determination of Admissibility of Co-Conspirator's Statements	411
CALJIC 6.25	Direction for Finding of Objects of Conspiracy	413
CALJIC 6.26	Jury Finding—Objects of Conspiracy	415

C. SOLICITATION

CALJIC 6.35	Solicitation	417
CALJIC 6.36	Solicitation of a Minor	421

D. ACCESSORIES

CALJIC 6.40	Accessories	423
-------------	-------------------	-----

E. GANG CRIME

CALJIC 6.50	Active Participation in Criminal Street Gang	426
CALJIC 6.51	Inducing or Soliciting Others to Join Gangs	432
CALJIC 6.52	Threatening Another With Physical Violence to Induce Active Participation in a Criminal Street Gang	435
CALJIC 6.53	Using Physical Violence to Induce Active Participation in a Criminal Street Gang or to Prevent Person From Leaving a Street Gang	437

PART 7 CRIMES AGAINST THE ADMINISTRATION OF GOVERNMENT

A. BRIBERY

CALJIC 7.00	Bribery of an Executive Officer	443
CALJIC 7.00.5	“Corruptly”—Defined	445
CALJIC 7.01	Bribery of a Ministerial Officer	446
CALJIC 7.02	Asking or Receiving Bribe by Public Official	448
CALJIC 7.02.01	Offerer/Payor of Bribe as Aider and Abettor of the Receipt of the Same Bribe	451
CALJIC 7.02.1	Bribing of/Offering Bribe to Legislative Officer ..	454
CALJIC 7.03	Bribery of/Offering Bribe to/A Witness	456
CALJIC 7.03.1	Use of Force or Threat of Force in Attempt to Induce False Testimony	458
CALJIC 7.03.2	Use of Fraud to Induce False Testimony	460
CALJIC 7.03.3	Witness/About to Be Called as Witness—Defined ..	463
CALJIC 7.04	Intent of Briber	465
CALJIC 7.05	Bribe—Defined	466
CALJIC 7.06	What Constitutes Giving a Bribe	467

TABLE OF INSTRUCTIONS

Inst. No.		Page
CALJIC 7.07	What Constitutes Offering a Bribe	468
CALJIC 7.08	What Constitutes Asking or Agreeing to Receive a Bribe.....	469
CALJIC 7.09	What Constitutes Agreeing to Receive a Bribe	470
CALJIC 7.10	Scope of Official Capacity Necessary to Constitute Bribery	471
CALJIC 7.11	Failure to Perform Purpose of Bribe Not a Defense.....	472
CALJIC 7.12	Offering Bribe to Witness	473
CALJIC 7.13	Receipt of Bribe by Witness	475
CALJIC 7.14	Dissuading or Intimidating Witness	477
CALJIC 7.15	Intimidation of Witness by Force or Fear— Furtherance of Conspiracy	480
CALJIC 7.16	Malice/Victim—Defined	483
CALJIC 7.17	Threatening Witnesses, Victims, Informants	484
CALJIC 7.18	Peace Officer Planting or Manufacturing Evidence.....	487
CALJIC 7.18.1	—Crimes on or after January 1, 2017	489
CALJIC 7.18.2	Prosecuting Attorney/Evidence Tampering.....	491

A-1. OTHER CRIMES AGAINST PUBLIC JUSTICE

CALJIC 7.19	False Report of Bomb or Explosive.....	493
CALJIC 7.19.1	False Report of Bomb or Explosive to Peace Officer Engaged in Performance of Duty	495
CALJIC 7.19.2	Malicious False Report of Bomb or Explosive.....	497
CALJIC 7.19.3	Maliciously Giving False Bomb With Intent to Cause Fear	499
CALJIC 7.19.4	Filing False Police Report by Peace Officer	501

B. PERJURY

CALJIC 7.20	Perjury Under “Oath”—Defined	503
CALJIC 7.21	Perjury Under “Penalty of Perjury”—Defined	507
CALJIC 7.21.1	Perjury by Affidavit	509
CALJIC 7.22	Perjury—Statements Made in Absence of Knowledge.....	513
CALJIC 7.23	Perjury—Proof Necessary	514
CALJIC 7.24	Perjury—Willfulness and Knowledge Required.....	515
CALJIC 7.25	All Charges of Perjury Need Not Be Proved	516

B-1. CRIMES AGAINST THE REVENUE AND PROPERTY OF THE STATE

CALJIC 7.26	Officer Fails to Pay as Prescribed by Law.....	517
-------------	--	-----

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.		Page
CALJIC 7.26.1	Embezzlement and Falsification of Accounts by Public Officers—Misappropriation.....	520
CALJIC 7.26.2	Embezzlement and Falsification of Accounts by Public Officers—Illegal Loans.....	524
CALJIC 7.26.3	Embezzlement and Falsification of Accounts by Public Officers—False Accounts	527
CALJIC 7.26.4	Embezzlement and Falsification of Accounts by Public Officers—Fraud.....	530
CALJIC 7.26.5	Embezzlement and Falsification of Accounts by Public Officers—Refusal to Pay.....	533
CALJIC 7.26.6	Embezzlement and Falsification of Accounts by Public Officers—Omits to Transfer	536
CALJIC 7.26.7	Embezzlement and Falsification of Accounts by Public Officers—Omits to Pay.....	539
CALJIC 7.27	Offering False Documents in Evidence	542
CALJIC 7.27.1	Preparing False Documents for Fraudulent or Deceitful Purpose.....	544

C. CRIMES BY PRISONERS

CALJIC 7.30	Escape Without Force or Violence—Defined	546
CALJIC 7.30.1	Parolee as Prisoner—Lawful Custody Defined	549
CALJIC 7.31	Escape by Force or Violence—Defined.....	550
CALJIC 7.32	Escape Following Remand or Arrest by Force or Violence	553
CALJIC 7.33	Incitement to Riot in Prison/Jail.....	556
CALJIC 7.34.01	Bringing or Sending Firearms, Deadly Weapons or Explosives into Prison/Jail/etc.	558
CALJIC 7.34.02	Jail Prisoner in Possession of Firearm, Deadly Weapon or Explosive.....	562
CALJIC 7.34.03	Unauthorized Possession of Controlled Substance by Inmate.....	565
CALJIC 7.34.04	Unauthorized Possession of Drugs or Alcoholic Beverages in Prison.....	568
CALJIC 7.34.05	Person Not in Custody Selling Controlled Substance to Person in Custody.....	570
CALJIC 7.34.06	Bringing or Sending Illegal Controlled Substance Into Prison/Jail/Etc.....	572
CALJIC 7.35	Assault by Life Prisoner With a Deadly Weapon or by Means of Force Likely to Produce Great Bodily Injury With Malice Aforethought.....	576
CALJIC 7.36	Assault by Prisoner With a Deadly Weapon or By Means of Force Likely to Produce Great Bodily Injury.....	579
CALJIC 7.36.1	Confined in Prison—Defined.....	581

TABLE OF INSTRUCTIONS

Inst. No.		Page
CALJIC 7.37	Battery by State Prisoner on Non-Confined Person	582
CALJIC 7.37.1	Aggravated Battery by Prisoner	584
CALJIC 7.38	Possession or Manufacture of Weapon in Penal Institution.....	586
CALJIC 7.39	Holding of a Hostage	588

D. OTHER CRIMES AGAINST THE EXECUTIVE POWER

CALJIC 7.40	Threatening Certain Official.....	589
CALJIC 7.50	Obstructing/Resisting Executive Officers.....	592
CALJIC 7.51	Taking a Person from Lawful Custody	596

E. TAX CRIMES

CALJIC 7.61	Willfully Making or Signing False Tax Return	598
CALJIC 7.62	Willfully Aiding or Assisting in the Preparation or Presentation of a False Tax Return	601
CALJIC 7.64	Concealing Property With Intent to Evade Taxes	603
CALJIC 7.66	Willful Failure to File Tax Return or Supply Information	605
CALJIC 7.67	Willfully Making or Signing a False Tax Return	607
CALJIC 7.68	Willful Failure to Account for and Pay Over Withheld Taxes.....	609
CALJIC 7.71	Signature as Prima Facie Evidence of Subscription .	611
CALJIC 7.72	Certificate by Franchise Tax Board as Prima Facie Evidence.....	613
CALJIC 7.73	Consideration of Failure to File Tax Returns in Prior Years.....	614
CALJIC 7.76	Unreported Income—Exact Amount Need Not Be Shown	615
CALJIC 7.78	No Deduction Allowed for Illegal Activities	616
CALJIC 7.79	Unreported or Underreported Income Need Not Have Been Generated by Illegal Means	617
CALJIC 7.80	Corporation—Persons Responsible.....	618
CALJIC 7.82	“Electronic Technology”—Defined	619
CALJIC 7.90	Income Tax Evasion—“Net Worth” Method	620
CALJIC 7.91	“Bank Deposits” Method Of Determining Income—Explained.....	623
CALJIC 7.92	“Cash Expenditures” Method Of Determining Income—Explained.....	624
CALJIC 7.93	“Net Worth” Method of Determining Income—Explained.....	625

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.		Page
CALJIC 7.94	“Specific Items” Method of Determining Income	626
CALJIC 7.96	Defense of Reliance on Advice	628

PART 8 CRIMES AGAINST LIFE

A. HOMICIDE

CALJIC 8.00	Homicide—Defined.....	636
CALJIC 8.01	Presumption of Lawful Killing	637

B. MURDER

(a) Definitions

CALJIC 8.10	Murder—Defined.....	638
CALJIC 8.11	“Malice Aforethought”—Defined.....	641
CALJIC 8.12	Murder—Killer Other Than Perpetrator of Underlying Crime—Provocative Act Doctrine.....	645
CALJIC 8.13	Liability for Murder by Participant in Provocative Act Murder	651

(b) First Degree Murder

CALJIC 8.20	Deliberate and Premeditated Murder.....	653
CALJIC 8.21	First Degree Felony-Murder	657
CALJIC 8.21.1	Robbery—When Still in Progress/Felony-Murder ..	664
CALJIC 8.21.2	Burglary [Rape, etc.]—When Still in Progress/Felony-Murder	667
CALJIC 8.22	Murder by Destructive Device or Explosive, Weapon of Mass Destruction, or Armor-Piercing Ammunition.....	669
CALJIC 8.23	Murder by Poison	671
CALJIC 8.24	Murder by Torture	673
CALJIC 8.25	Murder by Means of Lying in Wait.....	676
CALJIC 8.25.1	Drive-by Murder	679
CALJIC 8.26	First Degree Felony-Murder—In Pursuance of a Conspiracy	681
CALJIC 8.27	First Degree Felony-Murder—Aider and Abettor...	682
CALJIC 8.28	Special Finding—First Degree Murder— Hate Crimes (Through Dec. 31, 2004)	683
CALJIC 8.28.1	Special Finding—First Degree Murder— Hate Crimes (on or After January 1, 2005)	685

(c) Second Degree Murder

CALJIC 8.30	Unpremeditated Murder of the Second Degree	687
-------------	--	-----

TABLE OF INSTRUCTIONS

Inst. No.		Page
CALJIC 8.31	Second Degree Murder—Killing Resulting From Unlawful Act Dangerous to Life	689
CALJIC 8.32	Second Degree Felony—Murder	692
CALJIC 8.33	Second Degree Felony—Murder—In Pursuance of a Conspiracy	693
CALJIC 8.34	Second Degree Felony—Murder—Aider and Abettor.....	694
CALJIC 8.34.1	Second Degree Murder—Aider and Abettor—Natural and Probable Consequence	695
CALJIC 8.34.2	Second Degree Murder—Conspiracy—Natural and Probable Consequence	696
CALJIC 8.35	Special Finding—Second Degree Murder of Peace Officer.....	697
CALJIC 8.35.2	Special Finding—Second Degree Murder—Intentional Discharge of Firearm From Vehicle	699
CALJIC 8.36	Special Finding—Second Degree Murder of Peace Officer.....	701
C. MANSLAUGHTER		
(a) Definition		
CALJIC 8.37	Manslaughter—Defined	704
(b) Voluntary Manslaughter		
CALJIC 8.40	Voluntary Manslaughter—Defined.....	706
CALJIC 8.41	Attempted Voluntary Manslaughter	710
CALJIC 8.42	Sudden Quarrel or Heat of Passion and Provocation Explained	713
CALJIC 8.43	Murder or Manslaughter—Cooling Period	717
CALJIC 8.44	No Specific Emotion Alone Constitutes Heat of Passion	719
(c) Involuntary Manslaughter		
CALJIC 8.45	Involuntary Manslaughter—Defined.....	720
CALJIC 8.46	Due Caution and Circumspection—Defined.....	725
CALJIC 8.47	Involuntary Manslaughter—Killing While Unconscious Due to Voluntary Intoxication	727
D. MURDER AND MANSLAUGHTER DISTINGUISHED		
CALJIC 8.50	Murder and Manslaughter Distinguished.....	729

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.		Page
CALJIC 8.51	Murder and Manslaughter Distinguished—Nature of Act Involved.....	732

E. CAUSATION

CALJIC 8.55	Homicide—Cause—Defined	733
CALJIC 8.56	Homicide—Negligence of Deceased or Third Person	735
CALJIC 8.57	Homicide—Effect of Improper Treatment	736
CALJIC 8.58	Homicide—Unlawful Injury Accelerating Death.....	737

F. TRANSFERRED INTENT

CALJIC 8.65	Transferred Intent	739
-------------	--------------------------	-----

G. ATTEMPT TO COMMIT MURDER

CALJIC 8.66	Attempted Murder	741
CALJIC 8.66.1	Attempted Murder—Kill Zone Victims—Intent Required.....	744
CALJIC 8.67	Attempted Murder—Willful, Deliberate, and Premeditated.....	747
CALJIC 8.68	Attempted Murder—Peace Officer Victim	750
CALJIC 8.69	Conspiracy to Commit Murder	752

H. DUTY OF JURY

CALJIC 8.70	Duty of Jury as to Degree of Murder	756
CALJIC 8.71	Doubt Whether First or Second Degree Murder....	758
CALJIC 8.72	Doubt Whether Murder or Manslaughter	759
CALJIC 8.73	Evidence of Provocation May Be Considered in Determining Degree of Murder	760
CALJIC 8.73.1	Evidence of Hallucination May Be Considered in Determining Degree of Murder	761
CALJIC 8.74	Unanimous Agreement as to Offense—First or Second Degree Murder or Manslaughter	763
CALJIC 8.75	Jury May Return Partial Verdict—Homicide	765

I. FIRST DEGREE MURDER—SPECIAL CIRCUMSTANCES—DEATH PENALTY TRIAL

(a) Special Circumstances

CALJIC 8.80	Pre June 6, 1990 Special Circumstances—Introductory	770
-------------	---	-----

TABLE OF INSTRUCTIONS

Inst. No.	Page
CALJIC 8.80.1	Post June 5, 1990 Special Circumstances—Introductory773
CALJIC 8.81.1	Special Circumstances—Murder for Financial Gain779
CALJIC 8.81.3	Special Circumstances—Multiple Murder Convictions.....781
CALJIC 8.81.4	Special Circumstances—Murder Perpetrated by Destructive Device, Bomb, or Explosive783
CALJIC 8.81.5	Special Circumstances—Murder to Prevent Arrest or Perfect Escape.....785
CALJIC 8.81.7	Special Circumstances—Murder of Peace Officer, Federal Officer or Agent or Firefighter786
CALJIC 8.81.8	Special Circumstances—Peace Officer Victim— “Performance of Official Duties”—Defined788
CALJIC 8.81.10	Special Circumstances—Murder of Witness to a Crime.....792
CALJIC 8.81.11	Special Circumstances—Murder of Judge, Prosecutor or Federal Official.....795
CALJIC 8.81.15	Special Circumstances—Murder While Lying in Wait—Pre March 8, 2000.....796
CALJIC 8.81.15.1	Special Circumstances—Murder by Lying in Wait.....799
CALJIC 8.81.16	Special Circumstances—Murder Because of Race, etc.801
CALJIC 8.81.17	Special Circumstances—Murder in Commission of ———802
CALJIC 8.81.17.1	Special Circumstances—Murder in Commission of Kidnapping/Arson With Intent to Kill805
CALJIC 8.81.18	Special Circumstances—Murder Involving Torture808
CALJIC 8.81.19	Special Circumstances—Murder by Administration of Poison.....810
CALJIC 8.81.20	Special Circumstances—Murder of Juror812
CALJIC 8.81.21	Special Circumstances—Intentional Discharge of a Firearm From a Motor Vehicle813
CALJIC 8.81.22	Special Circumstances—Intentional Killing by Active Street Gang Member815
CALJIC 8.82	Special Circumstances—Murder With Prior Conviction of Murder821
CALJIC 8.83	Special Circumstances—Sufficiency of Circumstantial Evidence—Generally823
CALJIC 8.83.1	Special Circumstances—Sufficiency of Circumstantial Evidence to Prove Required Mental State.....825
CALJIC 8.83.2	Special Circumstances—Jury Must Not Consider Penalty827

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.	Page
CALJIC 8.83.3	Testimony of Accomplice Must Be Corroborated— Special Circumstance Trial.....828

(b) Death Penalty Trial

CALJIC 8.84	Penalty Trial—Introductory829
CALJIC 8.84.01	Intellectual Disability Phase831
CALJIC 8.84.02	Intellectual Disability Defined833
CALJIC 8.84.03	Special Finding—Intellectual Disability836
CALJIC 8.84.1	Duty of Jury—Penalty Proceeding.....837
CALJIC 8.85	Penalty Trial—Factors for Consideration839
CALJIC 8.85.1	Victim Impact Evidence.....844
CALJIC 8.85.2	Death Penalty—Cost/Deterrent Effect.....845
CALJIC 8.86	Penalty Trial—Conviction of Other Crimes—Proof Beyond a Reasonable Doubt846
CALJIC 8.87	Penalty Trial—Other Criminal Activity—Proof Beyond a Reasonable Doubt849
CALJIC 8.88	Penalty Trial—Concluding Instruction852

J. VEHICULAR MANSLAUGHTER

CALJIC 8.90	Vehicular Manslaughter [With Gross Negligence] Not Involving Drugs or Alcohol856
CALJIC 8.91	Vehicular Manslaughter—Ordinary Negligence—Defined859
CALJIC 8.92	Vehicular Manslaughter—Effect of Imminent Peril.....861
CALJIC 8.93	[Gross] Vehicular Manslaughter While Intoxicated863
CALJIC 8.93.5	Vehicular Manslaughter—Death Resulting From Accident or Collision Staged for Financial Gain ..866
CALJIC 8.94	Jury to Consider Overall Circumstances—Driving and Intoxication869
CALJIC 8.95	Vehicular Manslaughter—Basic Speed Law871
CALJIC 8.96	Vehicular Manslaughter—Prima Facie Speed Limits.....873
CALJIC 8.97	Vehicular Manslaughter—Maximum Speed Law ...875
CALJIC 8.98	Felony Vehicular Manslaughter—Fleeing Scene Enhancement876

TABLE OF INSTRUCTIONS

Inst. No.

Page

Volume 2

PART 9 CRIMES AGAINST SECURITY OF PERSON

A. ASSAULT AND BATTERY

(a) In General

CALJIC 9.00	Assault—Defined	5
CALJIC 9.00.1	Assault—Conditional Threat	8
CALJIC 9.01	Assault—Present Ability to Commit Injury Necessary.....	10
CALJIC 9.02	Assault With a Deadly Weapon or by Means of Force Likely to Produce Great Bodily Injury	11
CALJIC 9.02.1	Assault With a Machinegun/Assault Weapon/ [Semiautomatic Firearm] .50 BMG Rifle	16
CALJIC 9.02.2	Assault With a Stun Gun/Less Lethal Weapon	20
CALJIC 9.03	Shooting at Occupied Motor Vehicle or Inhabited Dwelling	23
CALJIC 9.03.1	Shooting at Unoccupied Aircraft.....	26
CALJIC 9.03.2	Discharging Firearm at Unoccupied Motor Vehicle or Uninhabited Structure.....	28
CALJIC 9.03.3	Grossly Negligent Discharge of Firearm.....	30
CALJIC 9.04	Permitting Shooting From Vehicle	32
CALJIC 9.05	Shooting From Vehicle at a Person.....	34
CALJIC 9.06	Shooting From Vehicle.....	36
CALJIC 9.07	Drawing or Exhibiting Firearm in Presence of Motor Vehicle Occupant	38
CALJIC 9.08	Assault With Hands or Fists.....	40
CALJIC 9.08.5	Assault With Caustic Chemicals	41
CALJIC 9.09	Assault with Intent to Commit Certain Felonies...	43
CALJIC 9.10	Assault with Intent to Commit Certain Felonies During First Degree Burglary	46
CALJIC 9.11	Insulting Words—Not Justification for Assault	48
CALJIC 9.12	Battery With Serious Bodily Injury	49
CALJIC 9.15	Aggravated Trespass.....	51
CALJIC 9.16.1	Stalking	55
CALJIC 9.16.11	Stalking	58
CALJIC 9.16.20	Stalking Following Court Order.....	61
CALJIC 9.16.22	Stalking Following Court Order.....	64

(b) On Peace Officer, Firefighter, etc.

CALJIC 9.20	Assault With a Deadly Weapon Upon a Peace Officer, Firefighter, et al.....	68
-------------	---	----

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.		Page
CALJIC 9.20.1	Assault With Semiautomatic Firearm, Machinegun, or Assault Weapon, Upon a Peace Officer, et al. ...	71
CALJIC 9.20.2	Assault With a Stun Gun/Less Lethal Weapon Upon a Peace Officer, et. al.	74
CALJIC 9.21	Drawing or Exhibiting Firearm in Presence of Peace Officer	77
CALJIC 9.21.1	Drawing or Exhibiting Firearm/Deadly Weapon With Intent to Resist Peace Officer	79
CALJIC 9.22	Battery on Peace Officer, Firefighter, Custodial Officer, et al.....	81
CALJIC 9.23	Discharge or Performance of Duties—Defined	84
CALJIC 9.24	Lawful Arrest by Peace Officer—Defined	86
CALJIC 9.24.1	Lawful Arrest by Peace Officer—Driving Under the Influence	89
CALJIC 9.25	Method of Arrest.....	91
CALJIC 9.26	Arrest or Detention—Use of Reasonable Force—Duty to Submit	93
CALJIC 9.27	Lawful Detention—Defined.....	96
CALJIC 9.28	Use of Excessive Force by Officer.....	99
CALJIC 9.29	Performance of Duties of Office—Burden of Proof..	101

B. MAYHEM

CALJIC 9.30	Mayhem—Defined—Necessary Elements	103
CALJIC 9.31	Meaning of “Puts Out an Eye”.....	106
CALJIC 9.32	Aggravated Mayhem.....	107

C. SPOUSE OR COHABITANT OR CHILD BEATING

CALJIC 9.35	Spouse or Cohabitant Beating.....	109
CALJIC 9.35.01	Spouse or Cohabitant Beating—Prior Conviction ..	113
CALJIC 9.35.1	Cautionary Instruction—Intimate Partner Battering.....	117
CALJIC 9.36	Child Beating.....	121
CALJIC 9.36.5	Assault on Child Under 8 Resulting in Death.....	123
CALJIC 9.36.6	Assault on Child Under 8 Resulting in Comatose or Paralytic Condition	125
CALJIC 9.37	Child Abuse/Neglect/Endangerment—Felony.....	127
CALJIC 9.38	Elder/Dependent Adults/Neglect/Endangerment Felony	132
CALJIC 9.38.1	Elder/Dependent Adult—Theft By Non-Caretaker.....	137
CALJIC 9.38.2	Elder/Dependent Adult—Theft By Caretaker.....	140
CALJIC 9.39	Responsibility of Non-custodial Defendant for Third Party’s Elder Abuse.....	143

TABLE OF INSTRUCTIONS

Inst. No.		Page
D. ROBBERY		
CALJIC 9.40	Robbery.....	145
CALJIC 9.40.1	Robbery—Aiding and Abetting—When Intent to Abet Must Be Formed.....	151
CALJIC 9.40.2	Robbery—After Acquired Intent.....	153
CALJIC 9.40.3	Store Employee as Victim of Robbery.....	154
CALJIC 9.40.4	Constructive Possession—Special Relationship.....	156
CALJIC 9.41	Robbery—Fear—Defined	158
CALJIC 9.42	Robbery of the First Degree—Defined	160
CALJIC 9.42.1	Robbery First Degree—Acting in Concert	162
CALJIC 9.43	Second Degree Robbery as a Matter of Law	164
CALJIC 9.44	Robbery—Theft by Larceny—Burglary—Defense of Claim of Right	165
CALJIC 9.46	Carjacking	167
E. KIDNAPPING		
CALJIC 9.50	Kidnapping—No Other Underlying Crime	170
CALJIC 9.50.1	Aggravated Kidnapping—Whether Movement is Substantial and Increases the Risk of Harm to the Victim.....	174
CALJIC 9.51	Kidnapping for Child Molesting	176
CALJIC 9.52	Kidnapping—Victim Under Fourteen.....	179
CALJIC 9.52.1	Kidnapping to Commit Certain Sex Crimes	180
CALJIC 9.53	Kidnapping for Ransom, Reward or Extortion.....	184
CALJIC 9.54	Kidnapping to Commit Robbery and/or Certain Sex Crimes	187
CALJIC 9.54.1	Kidnapping During Commission of Carjacking	192
CALJIC 9.55	Achievement of Purpose Not Essential to Kidnapping.....	197
CALJIC 9.56	No Kidnapping When Free Consent	198
CALJIC 9.57	Kidnapping of Infant, Child, Intoxicated Person or Person Incapable of Giving Consent—Amount of Force Required.....	200
CALJIC 9.58	Kidnapping—Belief as to Consent	202
F. FALSE IMPRISONMENT AND HUMAN TRAFFICKING		
CALJIC 9.60	Felony False Imprisonment [of Elder/Dependent Adult]	203
CALJIC 9.61	False Imprisonment—Shield/Protection From Arrest.....	206

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.		Page
CALJIC 9.62	Human Trafficking (Pre-proposition 35).....	208
CALJIC 9.62.1	Human Trafficking for Forced Labor/Services	211
CALJIC 9.62.2	Human Trafficking for Sexual Purposes.....	214
CALJIC 9.62.3	Human Trafficking Causing Minor to Engage in Commercial Sex Act.....	217
CALJIC 9.62.4	Force or Fear Enhancement	220
CALJIC 9.62.5	Human Trafficking-Causing Minor to Engage in Commercial Sex Act Involving Force, Etc.....	222

G. CHILD ABDUCTIONS

CALJIC 9.70	Child Abduction	226
CALJIC 9.71	Child Abduction—Violation of Custody or Visitation Right.....	228
CALJIC 9.71.5	Defense—Good Faith Reasonable Belief of Harm ..	230
CALJIC 9.72	Child Abduction—Definitions	232
CALJIC 9.73	Child Abduction—Consent of Child	235

H. FELONY RESISTING ARREST

CALJIC 9.80	Felony Resisting Arrest—Removal of Weapon/Firearm.....	236
CALJIC 9.81	Felony Resisting Arrest—Attempted Removal of Firearm.....	238
CALJIC 9.82	Felony Resisting Arrest—Resulting in Death or Serious Bodily Injury.....	241

I. TORTURE

CALJIC 9.90	Torture	243
-------------	---------------	-----

J. TERRORIZING AND TERRORIST THREATS

CALJIC 9.91	Use of Destructive Device/Explosive or Arson in Certain Places	245
CALJIC 9.91.1	Engaging in Pattern of Conduct to Terrorize	247
CALJIC 9.91.2	Desecrating Religious Symbol on Private Property	249
CALJIC 9.91.3	Desecrating Religious Symbol on School Property ..	251
CALJIC 9.91.4	Interference with Exercise of Religion.....	253
CALJIC 9.94	Criminal Threats.....	255
CALJIC 9.94.1	Attempted Criminal Threats.....	260

K. CRIMES INVOLVING TRAINS

CALJIC 9.95	Train Wrecking	264
-------------	----------------------	-----

TABLE OF INSTRUCTIONS

Inst. No.		Page
CALJIC 9.96	Obstructing Railroad Track	266
CALJIC 9.97	Train Derailing Or Wrecking: Punishment.....	268
CALJIC 9.98	Throwing Missiles At Common Carrier Vehicles	270
CALJIC 9.99	Throwing Hard Substance At Train.....	272

PART 10 SEX CRIMES

A. SEX CRIMES UPON ADULTS

(a) Rape

CALJIC 10.00	Rape—Force or Threats	277
CALJIC 10.00.1	Rape—Threatened Retaliation	282
CALJIC 10.01	Rape—Acting in Concert.....	285
CALJIC 10.02	Rape—Lack of Consent—Lack of Capacity— Intoxicant, etc.—Unconsciousness.....	288
CALJIC 10.03	Rape—Lack of Consent—Fraud.....	294
CALJIC 10.04	Rape—Spouse and Non-Spouse—Lack of Consent— Unlawful Threat of Public Authority	296
CALJIC 10.05.1	Pre January 1, 2022 Rape of Spouse—Lack of Consent From Intoxicant or Unconsciousness ..	299

(b) Unlawful Oral Copulation

CALJIC 10.10	Unlawful Oral Copulation by Force or Violence.....	302
CALJIC 10.11	Unlawful Oral Copulation With Person Lacking Capacity.....	307
CALJIC 10.12	Unlawful Oral Copulation by Force or Threats or With Person Lacking Capacity—Acting in Concert.....	310
CALJIC 10.13	Unlawful Oral Copulation—Lack of Consent— Intoxicants, etc.—Unconsciousness	314
CALJIC 10.14	Unlawful Oral Copulation—Prisoner	318
CALJIC 10.15	Unlawful Oral Copulation—Lack of Consent—Fraud.....	320
CALJIC 10.16	Unlawful Oral Copulation—Lack of Consent— Unlawful Threat of Public Authority	323

(c) Unlawful Sodomy

CALJIC 10.20	Unlawful Sodomy by Force or Violence	326
CALJIC 10.21	Unlawful Sodomy by Force or Threats—Acting in Concert.....	331
CALJIC 10.22	Unlawful Sodomy With Person Lacking Capacity ..	335

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.		Page
CALJIC 10.23	Unlawful Sodomy—Lack of Consent—Intoxicants, etc.—Unconsciousness	338
CALJIC 10.24	Unlawful Sodomy—Prisoner.....	342
CALJIC 10.25	Unlawful Sodomy—Lack of Consent—Fraud	344
CALJIC 10.26	Unlawful Sodomy—Lack of Consent—Unlawful Threat of Public Authority	346
CALJIC 10.27	Unlawful Sodomy—Evidence of Other Offenses—Same Victim	349

(d) Forcible Acts of Sexual Penetration

CALJIC 10.30	Forcible Acts of Sexual Penetration—Force or Threats	350
CALJIC 10.31	Forcible Acts of Sexual Penetration—Acting in Concert	355
CALJIC 10.32	Forcible Acts of Sexual Penetration—With Person Lacking Capacity.....	358
CALJIC 10.33	Forcible Acts of Sexual Penetration—Lack of Consent—Intoxicants, etc.—Unconsciousness	361
CALJIC 10.34	Forcible Acts of Penetration—Lack of Consent—Fraud.....	366
CALJIC 10.35	Forcible Acts of Sexual Penetration—Unlawful Threat of Public Authority.....	369

(e) Sexual Battery

CALJIC 10.37	Sexual Battery—Defined.....	372
CALJIC 10.37.1	Sexual Battery—Defined.....	376
CALJIC 10.37.2	Sexual Battery—Defined.....	379

(f) Indecent Exposure

CALJIC 10.38	Felony Indecent Exposure	382
--------------	--------------------------------	-----

B. SEX CRIMES UPON MINORS

(a) Unlawful Sexual Intercourse

CALJIC 10.40.1	Unlawful Sexual Intercourse—Defined.....	386
CALJIC 10.40.2	Unlawful Sexual Intercourse—Defined.....	388

(b) Lewd Acts With Child Under Fourteen Years

CALJIC 10.41	Lewd Act with a Child under Fourteen Years—Defined	390
--------------	--	-----

TABLE OF INSTRUCTIONS

Inst. No.		Page
CALJIC 10.42	Lewd Act with a Child under Fourteen Years—Force or Fear	394
CALJIC 10.42.5	Lewd Act with a Child Age Fourteen or Fifteen...	398
CALJIC 10.42.6	Continuous Sexual Abuse of a Child.....	401
CALJIC 10.42.7	Continuous Sexual Abuse of Children—Alternative Verdicts.....	404
CALJIC 10.43	Lewd Act With Child—Evidence of Other Offenses—Same Child	406
CALJIC 10.44	Lewd Act With Child—Evidence of Other Offenses—Other Children	408
 (c) Unlawful Oral Copulation 		
CALJIC 10.45	Unlawful Oral Copulation With Person Under Eighteen Years—Sixteen Years	410
CALJIC 10.46	Unlawful Oral Copulation With Person Under Fourteen Years	412
 (d) Unlawful Sodomy 		
CALJIC 10.47	Unlawful Sodomy With Person Under Eighteen Years—Sixteen Years	414
CALJIC 10.48	Unlawful Sodomy—With Person Under Fourteen Years.....	417
 (e) Forcible Acts of Sexual Penetration 		
CALJIC 10.49	Forcible Acts of Sexual Penetration—With Person Under Eighteen Years—Sixteen Years	419
CALJIC 10.50	Forcible Acts of Sexual Penetration—With Person Under Fourteen Years—Force or Threats	422
CALJIC 10.51	Act of Sexual Penetration upon Minor Victim by Force or Violence	425
 (f) Aggravated Sexual Assault 		
CALJIC 10.55	Aggravated Sexual Assault of a Child.....	429
 (g) Other Sexually Motivated Crimes Against Children 		
CALJIC 10.56	Aggravated Sexual Assault of a Child.....	431
CALJIC 10.57	Annoying or Molesting Children	433
CALJIC 10.58	Harmful Matter Sent With Intent of Seduction of Minor.....	435
CALJIC 10.58.1	Harmful Matter Sent With Deviant Sexual Intent	439

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.		Page
CALJIC 10.59	Contacting Minor With Intent to Commit Certain Felonies	442
CALJIC 10.59.1	Arranging Meeting with Minor for Lewd Purpose—Prior Conviction.....	444
CALJIC 10.59.2	Attending Meeting with Minor for Lewd Purpose—Prior Conviction.....	447
CALJIC 10.59.5	Unlawful Sexual Intercourse/Sodomy with Child 10 Years of Age or Younger	449
CALJIC 10.59.6	Unlawful Oral Copulation/Sexual Penetration with Child 10 Years of Age or Younger	451
CALJIC 10.59.7	Acting in Concert Forcible Sex Crimes Against Minor.....	453
CALJIC 10.59.8	Unlawful Sodomy by Force or Violence upon Minor.....	457
CALJIC 10.59.9	Rape by Force or Violence upon Minor.....	460
CALJIC 10.59.10	Unlawful Oral Copulation by Force or Violence upon Minor	463

C. SEX CRIMES—GENERAL REQUIREMENTS AND DEFENSES

(a) General Requirements

CALJIC 10.60	Sexual Crimes—Corroboration Not Necessary	466
CALJIC 10.61	Unlawful Sexual Crime—Evidence of Other Sexual Activity With Same Victim.....	468
CALJIC 10.61.1	Rape (Unlawful Sexual Intercourse)—Evidence of Prior Sexual Intercourse	469
CALJIC 10.64	Cautionary Instruction—Child Abuse/Rape Trauma Syndrome	470

(b) Defenses

CALJIC 10.65	Belief as to Consent—Forcible Rape—Unlawful Oral Copulation, Sodomy, Penetration by a Foreign Object—Sexual Battery	473
CALJIC 10.67	Belief as to Age—Unlawful Sexual Intercourse, Oral Copulation, Sodomy, Penetration by a Foreign Object.....	477

D. PIMPING, PANDERING, PROCUREMENT

CALJIC 10.70	Pimping—Defined.....	479
CALJIC 10.70.1	Pimping—Minor Victim—Defined.....	481

TABLE OF INSTRUCTIONS

Inst. No.		Page
CALJIC 10.71	Pandering—Defined	483
CALJIC 10.71.1	Pandering—Minor Victim—Defined	487
CALJIC 10.72	Child Procurement.....	491

E. CHILD PORNOGRAPHY

CALJIC 10.80	Obscene Matter—Depicting Person Under Eighteen	493
CALJIC 10.81	Obscene Matter—Depicting Person under Eighteen—Distributing to Person 18 or Older/Under 18 Years.....	496
CALJIC 10.82	Using Minor in Creating Pornography	499
CALJIC 10.83	Possession of Matter Depicting Minor Engaging in or Simulating Sexual Conduct	502

F. SEX CRIMES UPON DEPENDENT ADULTS

CALJIC 10.90	Lewd Act by Caretaker Upon Dependent Adult	506
--------------	---	-----

PART 11 [RESERVED]

PART 12 CRIMES AGAINST PUBLIC HEALTH, SAFETY AND WELFARE

A. CALIFORNIA UNIFORM CONTROLLED SUBSTANCES

(a) Controlled Substances (Sched. I–V)

CALJIC 12.00	Controlled Substance (Sched. I–V)—Unlawful Possession as Felony/Misdemeanor	515
CALJIC 12.01	Controlled Substance (Sched. I–V)—Illegal Possession or Purchase for Sale.....	519
CALJIC 12.02	Controlled Substance (Sched. I–V)—Illegal Sale, etc.....	522
CALJIC 12.03	Controlled Substance (Sched. I–V)—Illegal Offer to Sell, etc.....	525
CALJIC 12.04	Controlled Substance (Sched. I–V)—Illegal Sale, etc. of Substance in Lieu Thereof	527
CALJIC 12.05	Narcotics—Forgery of Prescription	529
CALJIC 12.06	Momentary Lawful Possession—Burden of Proof.....	531
CALJIC 12.07	Administer—Defined	533

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.		Page
CALJIC 12.08	Opening or Maintaining Place for Controlled Substance Sale or Use.....	534
CALJIC 12.09.1	Manufacturing or Offering to Manufacture a Controlled Substance.....	536
CALJIC 12.09.2	Possession With Intent to Manufacture.....	539
CALJIC 12.09.3	Possession with Intent to Manufacture PCP	541
CALJIC 12.09.4	Possession With Intent to Manufacture Methamphetamine.....	543
CALJIC 12.09.5	Possession With Intent to Manufacture Methamphetamine.....	545
CALJIC 12.09.6	Possession of Methylamine etc. with Intent to Sell for Purpose of Manufacturing Methamphetamine.....	547
CALJIC 12.09.7	Possession of Ephedrine, Etc., with Intent to Sell for Purpose of Manufacture of Methamphetamine.....	549
CALJIC 12.09.8	Possession of Hydriotic Acid, etc., with Intent to Sell for Purpose of Manufacturing Methamphetamine.....	551
CALJIC 12.09.9	Possession of Isomer with Intent to Manufacture Methamphetamine.....	553
CALJIC 12.09.10	Possession of Precursor with Intent to Manufacture Methamphetamine.....	555
CALJIC 12.09.11	Possession of Essential Chemicals with Intent to Manufacture Methamphetamine.....	557
CALJIC 12.09.12	Possession of Compound or Mixture with Intent to Manufacture Methamphetamine.....	559
CALJIC 12.09.13	Possession of Combination Product With Intent to Sell for Manufacturing PCP	560
CALJIC 12.09.14	Possession of Compound Isomer With Intent to Sell for Manufacturing PCP	562
CALJIC 12.09.15	Possession of Compound/Mixture With Intent to Sell for Manufacturing PCP	564
CALJIC 12.09.16	Possession of precursor With Intent to Sell for Manufacturing PCP	566
CALJIC 12.10	Controlled Substance (Sched. I and II)—Illegal Sale, etc., to Minor.....	568

(b) Controlled Substances (Sched. I and II)— Involvement of Minor

CALJIC 12.11	Controlled Substance (Sched. I and II)—Illegal Offer to Sell, etc., to Minor	570
CALJIC 12.12	Controlled Substance (Sched. I and II)—Employment of Minor to Peddle	572

TABLE OF INSTRUCTIONS

Inst. No.		Page
CALJIC 12.13	Controlled Substance (Sched. I and II)—Inducing Minor to Violate Controlled Substances Law	574
(c) Controlled Substances (Sched. III, IV and V)—Involvement of Minor		
CALJIC 12.15	Controlled Substance (Sched. III, IV and V)—Illegal Furnishing or Offering to Furnish to Minor	576
CALJIC 12.16	Controlled Substance (Sched. III, IV and V)—Inducing Minor to Violate Controlled Substances Law	578
CALJIC 12.17	Controlled Substance (Sched. III, IV and V)—Using Minor as Agent to Violate Controlled Substances Law	580
(d) Marijuana		
CALJIC 12.20	Marijuana—Concentrated Cannabis—Unlawful Possession as Felony/Misdemeanor	582
CALJIC 12.21	Marijuana—Unlawful Possession for Sale	585
CALJIC 12.22	Marijuana—Unlawful Sale, etc.	588
CALJIC 12.22.5	Marijuana—Unlawfully Gives Away or Transports More Than 28.5 Grams	590
CALJIC 12.23	Marijuana—Unlawful Offer to Sell, etc.	593
CALJIC 12.24	Marijuana—Unlawful Planting, etc.	595
CALJIC 12.24.1	Defense of Compassionate Use	597
CALJIC 12.24.2	Defense of Collective or Cooperative Cultivation ..	601
CALJIC 12.24.3	Lawful Uses	604
CALJIC 12.24.4	—Definitions	606
(e) Marijuana—Involvement of Minor		
CALJIC 12.25	Marijuana—Illegal Sale, etc., to Minor	608
CALJIC 12.26	Marijuana—Illegal Offer to Sell, etc., to Minor	610
CALJIC 12.27	Marijuana—Employment of Minor to Peddle	612
CALJIC 12.28	Marijuana—Inducing Minor to Use	613
CALJIC 12.29	Marijuana—Illegal Furnishing to Minor Fourteen Years or Older	614
(f) Proof		
CALJIC 12.30.1	Controlled Substance (Sched. I–V)—Burden of Proof as to Prescription	616
CALJIC 12.30.2	Controlled Substance (Sched. I–V)—Burden of Proof as to Prescription	618

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.		Page
CALJIC 12.31	“Marijuana”—Defined	620
CALJIC 12.32	Controlled Substance and Marijuana—Proof of Usable Quantity Possessed	621
CALJIC 12.33	Controlled Substance and Marijuana—Proof of Strength Unnecessary	623

(g) Unlawful Possession of Money/Negotiable Instruments

CALJIC 12.35	Unlawful Possession of Moneys/Negotiable Instruments in Excess of \$100,000.....	625
CALJIC 12.36	Attorney—Unlawful Possession of Money/Negotiable Instruments in Excess of \$100,000.....	628
CALJIC 12.37	Unlawful Possession of Money/Negotiable Instruments—Factors to Consider	630
CALJIC 12.37.1	Proceeds Over \$25,000 Derived from Controlled Substance Crimes (No. 1)	631
CALJIC 12.37.2	Proceeds Over \$25,000 Derived from Controlled Substance Crimes (No. 2)	634
CALJIC 12.37.3	Proceeds Over \$25,000 Derived from Controlled Substance Crimes (No. 3)	637
CALJIC 12.37.4	Proceeds Over \$25,000 Derived from Controlled Substance Crimes (No. 4)	639

(h) Miscellaneous Offenses

CALJIC 12.38	False Compartments	642
--------------	--------------------------	-----

(i) Forfeiture Proceedings

CALJIC 12.39	Forfeiture of Cash or Equivalents Under \$25,000.00	645
--------------	---	-----

B. DEADLY WEAPONS AND CONCEALABLE FIREARMS

CALJIC 12.40	Illegal Possession of Certain Weapons or Explosives.....	647
CALJIC 12.41	Carrying a Concealed Dagger or Explosive Substance—Weapon Defined.....	651
CALJIC 12.42	Deadly Weapon—Defined	655
CALJIC 12.43	Firearm—Possession by Person Convicted of a Felony—No Stipulation of Status	657
CALJIC 12.43.1	Justifiable Violations	661
CALJIC 12.44	Firearm—Possession by Person Convicted of a Felony—Status Stipulated	663

TABLE OF INSTRUCTIONS

Inst. No.		Page
CALJIC 12.45	Firearm—Possession by Narcotic Addict	666
CALJIC 12.46	Concealable Firearm—Concealed Within Vehicle Controlled by Felon	669
CALJIC 12.46.1	Concealable Firearm—Concealed Within Vehicle Controlled by Defendant	672
CALJIC 12.46.2	Concealable Weapons—Defendant Admits Priors, etc.	678
CALJIC 12.47	Concealable Firearm—Possession By Person Convicted of Crime Against Person, Property or Drug Violation	681
CALJIC 12.47.1	Concealable Firearm—Carried on the Person	684
CALJIC 12.47.2	Concealed Weapons—Unregistered Loaded Firearm	690
CALJIC 12.47.5	Concealable Firearm—Concealed Within Vehicle Occupied by Ex-Felon	693
CALJIC 12.47.6	Concealable Firearm—Concealed Within Vehicle Occupied by Prohibited Person	696
CALJIC 12.48	Firearm [Capable of Being Concealed]—Defined ..	702
CALJIC 12.48.5	Prior Conviction—Limited Use	704
CALJIC 12.49	Illegal Possession of Ammunition	705
CALJIC 12.49.5	Illegal Possession of Ammunition—Defense of Justification	708
CALJIC 12.49.7	Possessing or Trafficking in Large Capacity Magazines	710
CALJIC 12.50	Use of Firearm by Convicted Felon—Self-Defense	712
CALJIC 12.51	Firearm—Place of Felony Conviction	714
CALJIC 12.52	Unlawful Possession of Controlled Substance While Armed With a Firearm	715
CALJIC 12.53	Armed Criminal Action	718
CALJIC 12.54	Carrying Loaded Firearm	720
CALJIC 12.54.1	Carrying Loaded Firearm—Gang Member	723

C. DESTRUCTIVE DEVICES AND EXPLOSIVES

CALJIC 12.55	Possession of Destructive Device	728
CALJIC 12.55.1	Placing or Carrying Explosive/Destructive Device— Common Carrier	730
CALJIC 12.55.2	Possession of Destructive/Dangerous Device at or Near Certain Places	732
CALJIC 12.55.3	Possession of Destructive Device/Explosive With Intent to Injure	735
CALJIC 12.55.4	Sale/Transportation of Destructive Device	737
CALJIC 12.55.5	Explosion or Attempt to Explode or Ignite Destructive Device With Intent to Murder	739

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.		Page
CALJIC 12.55.6	Unlawful Explosion/Ignition of Explosive/Destructive Device Causing Bodily Injury.....	741
CALJIC 12.55.7	Explosion/Ignition of Explosive/Destructive Device Causing Death, Mayhem or Great Bodily Injury.....	743
CALJIC 12.55.8	Possession of Materials With Intent to Make Explosive/Destructive Device	745
CALJIC 12.56	Explosive/Destructive Device—Defined.....	747
CALJIC 12.57	Unlawful Possession of Body Armor	749

D. VEHICLE DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUG

CALJIC 12.60.01	Felony Driving Under the Influence of Any Alcoholic Beverage.....	751
CALJIC 12.60.02	Felony Driving Under the Influence of Any Drug.....	754
CALJIC 12.60.03	Felony Driving Under the Combined Influence of Any Drug and Alcoholic Beverage	757
CALJIC 12.60.05	Felony Driving wWith 0.04 Percent Blood Alcohol	760
CALJIC 12.60.1	Felony Driving With 0.08 Percent	763
CALJIC 12.61	Driving Under the Influence—Inference of Intoxication.....	765
CALJIC 12.61.1	Driving With [0.04] [0.08] Percent or More—Inference	768
CALJIC 12.63	“Alcoholic Beverage”—Defined	770
CALJIC 12.64	Alcoholic or Drug Influenced Driving—Under the Influence Related to Condition of Driver.....	771
CALJIC 12.65	Driving Under the Influence, etc.—Felony Prosecutions	772
CALJIC 12.66	Driving With 0.08 Percent Blood Alcohol—Felony Prosecutions	776
CALJIC 12.67	Felony Driving Under the Influence—Priors	778
CALJIC 12.68	Felony Driving With 0.08 Percent	782

E. FAILURE TO STOP AFTER VEHICLE ACCIDENT

CALJIC 12.70	Felony Hit and Run	785
CALJIC 12.72	Failure to Stop—Driver Disabled or Rendered Unconscious	791
CALJIC 12.73	Failure to Stop—Driver’s Duty Not Affected by Blame for Accident	792
CALJIC 12.74	Failure to Stop—“Immediately Stop”—Meaning of	793
CALJIC 12.75	Failure to Stop—Duties Same Whoever Injured	794

TABLE OF INSTRUCTIONS

Inst. No.		Page
CALJIC 12.76	Failure to Stop—Duty of Non-Driving Owner	795
CALJIC 12.77	Failure to Stop—When Driver Disobeys Owner.....	796
CALJIC 12.78	Failure to Stop—When Non-Driving Owner Unaware of Accident	797
CALJIC 12.79	Failure to Stop—Duty of Non-Owner Rider in Control	798
CALJIC 12.80	Failure to Stop—When Driver Disobeys Person in Authority.....	799
CALJIC 12.82	Reckless Driving Causing Certain Injuries	800
CALJIC 12.83	Speed Contest Causing Certain Injuries	802

F. FLIGHT FROM PURSUING PEACE OFFICER

CALJIC 12.85	Flight From Pursuing Peace Officer—Reckless Driving	804
CALJIC 12.86	Flight From Pursuing Peace Officer Causing Death/ Serious Bodily Injury	809
CALJIC 12.87	Definition of Distinctively Marked.....	813

G. BOOKMAKING

CALJIC 12.90	Pool-Selling and Bookmaking—Defined	815
CALJIC 12.91	Bookmaking—Procedure Described.....	817
CALJIC 12.92	Keeping or Occupying Place for Recording Bets..	818
CALJIC 12.93	Bookmaking—Receiving Bets.....	820
CALJIC 12.94	Bookmaking—Recording Bets	821
CALJIC 12.95	Bookmaking—Permitting Use of Place.....	823
CALJIC 12.96	Betting	824
CALJIC 12.96.1	Prior Convictions Of Bookmaking.....	825

H. MISCHIEVOUS ANIMALS/DANGEROUS DOGS

CALJIC 12.97	Mischievous Animal	826
CALJIC 12.98	Attack Dogs.....	829
CALJIC 12.98.1	Defense of Trespassing, etc.	831

I. MONEY LAUNDERING

CALJIC 12.99	Money Laundering.....	833
--------------	-----------------------	-----

PART 13 INVASION OF PRIVACY

A. EAVESDROPPING

CALJIC 13.01	Eavesdropping on or Recording Confidential Communications	838
--------------	--	-----

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.		Page
	PART 14 CRIMES AGAINST PROPERTY	
	A. THEFT	
	(a) Forms of Theft	
CALJIC 14.00	Theft—Forms of.....	845
	(b) Larceny	
CALJIC 14.02	Theft by Larceny—Defined	846
CALJIC 14.03	Theft Intent—Further Defined.....	849
	(c) Trick and Device	
CALJIC 14.05	Theft by Trick and Device—Defined.....	850
	(d) Embezzlement	
CALJIC 14.07	Theft by Embezzlement—Defined.....	852
CALJIC 14.08	Embezzlement—Trustor May Be Agent for Owner	855
	(e) False Pretense	
CALJIC 14.10	Theft by False Pretense—Defined and Elements ...	856
CALJIC 14.11	False Pretense—Reliance on Representation	859
CALJIC 14.12	False Pretense—Permanent Loss Not Necessary ...	861
CALJIC 14.14	Proof of False Pretense.....	862
CALJIC 14.15	False Token—Defined	864
CALJIC 14.16	False Pretense—Continuing Effect of Representation	865
CALJIC 14.17	False Pretenses—Only One Instance Need Be Proved.....	866
CALJIC 14.18	False Pretense—Evidence of Similar Representations as Corroboration	867
	(f) Degrees of Theft	
CALJIC 14.19	Theft From Pawnbroker	868
CALJIC 14.19.1	Theft—Appropriation of Lost Property.....	870
CALJIC 14.19.2	Organized Retail Theft.....	872
CALJIC 14.19.3	Theft of Wages or Benefits by an Employer From an Employee.....	875
CALJIC 14.20	Grand and Petty Theft.....	877

TABLE OF INSTRUCTIONS

Inst. No.		Page
CALJIC 14.21	Grand and Petty Theft—When Distinction Depends on Value (\$950, Point of Demarcation)	878
CALJIC 14.21.01	Theft Not Exceeding \$950.00 as Felony/Misdemeanor	880
CALJIC 14.21.1	Theft of Cargo—Grand and Petty Theft	882
CALJIC 14.21.2	Theft of Copper—Grand and Petty Theft	884
CALJIC 14.22	Grand and Petty Theft—When Distinction Depends on Value (\$250, Point of Demarcation)	886
CALJIC 14.23	Grand and Petty Theft—When Property Is Taken From the Person	887
CALJIC 14.24	Grand and Petty Theft—Theft of Specified Property.....	889
CALJIC 14.25	Grand and Petty Theft—Theft by Agent, etc., Over \$950 in Twelve-Month Period	890
CALJIC 14.26	Grand and Petty Theft—How Property Value Determined	892
CALJIC 14.27	Grand and Petty Theft—Owner’s Opinion of Value	894
CALJIC 14.28	Grand and Petty Theft—No Market in Locality of Theft	896
CALJIC 14.29	Grand and Petty Theft—Value of Labor or Services	898
CALJIC 14.30	Grand and Petty Theft—Concerning Evidence of Value of Labor.....	899
CALJIC 14.31	Grand and Petty Theft—Theft in Installments ..	901
(g) Unlawful Taking of Automobile		
CALJIC 14.35	Grand Theft of an Automobile.....	903
CALJIC 14.36	Unlawful Vehicle Taking	905
CALJIC 14.37	Auto Taking—When Acts May Constitute Either or Both Crimes	908
(h) Petty Theft With Prior		
CALJIC 14.40	Petty Theft With Prior Conviction—Not Admitted	911
CALJIC 14.40.1	Petty Theft With Prior Conviction—Not Admitted	914
CALJIC 14.41	Petty Theft With Prior Conviction—Prior Admitted	915
(i) Restitution and Verdict		
CALJIC 14.46	Theft—Restitution Not a Defense.....	917

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.	Page
CALJIC 14.47	Theft—Jury Agreement as to Form of Theft Committed Not Necessary918

(j) Computer Crimes

CALJIC 14.48.1	Unconsented Access to Obtain Property919
CALJIC 14.48.2	Unconsented Use of Computer Data.....921
CALJIC 14.48.3	Unconsented Alteration or Damage to Data924
CALJIC 14.48.4	Disruption or Denial of Computer Services.....926
CALJIC 14.48.5	Disruption or Denial of Government Computer Services928
CALJIC 14.48.6	Adding, Altering, Damaging Data, Software, or Programs.....931
CALJIC 14.48.7	Interfering with Public Safety Infrastructure Computer Services934

B. BURGLARY

CALJIC 14.50	Burglary—Defined937
CALJIC 14.50.1	Shoplifting as Felony/Misdemeanor945
CALJIC 14.51	First and Second Degree Burglary—Defined948
CALJIC 14.52	Burglary—Inhabited Dwelling—Defined950
CALJIC 14.53	Burglary—Trailer Coach—Defined.....953
CALJIC 14.54	Burglary—When Intent to Abet Must Be Formed954
CALJIC 14.56	Second Degree Burglary as a Matter of Law955
CALJIC 14.58	Burglary of Motor Vehicle—Defined956
CALJIC 14.59	Burglary—Agreement as to Theft or Felony Intended Not Necessary.....959
CALJIC 14.60	Burglary with Explosives960

C. RECEIVING STOLEN PROPERTY

CALJIC 14.65	Receiving Stolen Property—Defined962
CALJIC 14.65.1	Receiving a Stolen Motor Vehicle967
CALJIC 14.66	Receiving Stolen Property With Innocent Intent..969
CALJIC 14.68	Chop Shop—Ownership/Operation.....971

D. EXTORTION

CALJIC 14.70	Extortion—Defined973
CALJIC 14.70.1	Obtaining Official Act by Wrongful Use of Force or Fear.....976
CALJIC 14.71	Extortion—What Threats Constitute Inducing Fear.....978

TABLE OF INSTRUCTIONS

Inst. No.	Page
CALJIC 14.72	Extortion—Meaning of Term “Unlawful Injury”...980
CALJIC 14.73	Extortion—Causal Relation Between Fear and Consent.....981
CALJIC 14.74	Extortion—What Constitutes Consent982
CALJIC 14.75	Extortion—Threats to Expose Secret984
CALJIC 14.76	Extortion—Obtaining Signature985
CALJIC 14.77	Extortion—Sending Threatening Letter.....987
CALJIC 14.78	Extortion—Authorship of Threatening Letter Not Material990
CALJIC 14.79	Extortion—When Offense of Sending Threatening Letter Complete991
CALJIC 14.79.1	Extortion—Introducing Ransomware.....992

E. ARSON

CALJIC 14.80	Arson—Great Bodily Injury—Burning of Inhabited Structure or Inhabited Property.....995
CALJIC 14.80.1	Arson—Sentencing Enhancements999
CALJIC 14.81	Aggravated Arson1001
CALJIC 14.82	Unlawfully Causing a Fire—Causing Great Bodily Injury or Burning of Inhabited Structure, Inhabited Property, or Structure or Forest Land.....1004
CALJIC 14.83	Arson—Burning Own Personal Property With Intent to Defraud/Resulting Injury1007
CALJIC 14.84	Attempted Arson.....1009
CALJIC 14.85	Unlawfully Causing a Fire or Burning of Property—A Misdemeanor.....1011
CALJIC 14.86	Unlawfully Causing a Fire or Burning One’s Own Property—Causing Bodily Injury—A Misdemeanor.....1013
CALJIC 14.88	Unlawful Possession of Flammable, Explosive, or Combustible Material, or Device.....1015
CALJIC 14.89	Structure—Forest Land—Property—Inhabited—Defined.....1017
CALJIC 14.90	Finding re Pecuniary Gain1018
CALJIC 14.91	“Sets Fire to or Burns”—Defined1019

F. MALICIOUS MISCHIEF

CALJIC 14.95	Felony Vandalism1020
CALJIC 14.96	Cruelty to Animals—Intentional and Malicious Abuse.....1022
CALJIC 14.97	Cruelty to Animals—Deprivation Abuse1024
CALJIC 14.98	Cruelty to Animals—Intentional or Criminally Negligent Abuse.....1027

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.		Page
CALJIC 14.98.1	Cruelty to Animals—Overdriving or Overloading	1030
CALJIC 14.98.2	Unanimity Issue	1032
CALJIC 14.99	Cruelty to Animals—Definitions—Agents or Employees	1033

Volume 3

PART 15 CRIMINAL WRITINGS

A. FORGERY

CALJIC 15.00	Forgery	3
CALJIC 15.01	Forgery—Uttering False Instrument—Defined	8
CALJIC 15.02	Forgery—Both Forging and Uttering Charged in One Count.....	11
CALJIC 15.02.1	Forgery as Felony/Misdemeanor.....	12
CALJIC 15.03	Forgery—Actual Loss Not Necessary	15
CALJIC 15.04	Forgery by Alteration—Defined.....	16
CALJIC 15.05	Forgery of Endorsement—Defined	17
CALJIC 15.06	Procuring or Offering a False or Forged Instrument for Recordation	18
CALJIC 15.07	Forgery—Possession With Intent to Pass	20
CALJIC 15.08	Forgery—Fictitious or Altered Financial Institution Investment	23

B. ISSUING WORTHLESS CHECK

CALJIC 15.20	Issuing Check, etc., With Intent to Defraud—Defined	25
CALJIC 15.21	Issuing Check, Etc., Not Exceeding \$950 With Intent to Defraud as Felony/Misdemeanor	29
CALJIC 15.22	Check to Defraud—Check and Parties Thereto—Defined.....	32
CALJIC 15.23	Check to Defraud—“Make or Draw”—Defined.....	33
CALJIC 15.24	Check to Defraud—“Credit”—Defined	34
CALJIC 15.25	Check to Defraud—“Utter”—Defined	35
CALJIC 15.26	Intent to Defraud—Defined	36
CALJIC 15.27	Check to Defraud—Actual Loss Not Necessary.....	37
CALJIC 15.28	Check to Defraud—Reasonable Expectation of Payment Negatives Fraud.....	38
CALJIC 15.29	Check to Defraud—Restitution Not a Defense.....	39
CALJIC 15.30	Check to Defraud—Defense of Insufficient Funds....	40

TABLE OF INSTRUCTIONS

Inst. No.		Page
C. FRAUDULENT INSURANCE CLAIMS		
CALJIC 15.40	Fraudulent Insurance Claims.....	41
CALJIC 15.41.3	Fraudulent Health Care Insurance Claims	44
CALJIC 15.42	Destruction of Insured Property by Any Means Other Than Burning	48
D. FALSE FINANCIAL STATEMENTS		
CALJIC 15.50	False Financial Statement—Making With Intent It Be Relied Upon	50
CALJIC 15.51	False Financial Statement—Obtaining Benefits Therefrom	53
CALJIC 15.52	False Financial Statement— Reaffirming on Later Day.....	56
CALJIC 15.53	Mortgage Fraud	59
E. FALSE PERSONATION AND CHEATS		
CALJIC 15.58	False Personation	62
CALJIC 15.59	False Personation—Obtaining Money or Property ...	64
CALJIC 15.60	Unauthorized Use of Personal Identifying Information	66
CALJIC 15.61	Personal Identifying Information—Definitions	68
CALJIC 15.62	Fraudulent Possession of Personal Identification Information—With Prior Conviction—of Ten or More Other Persons.....	69
CALJIC 15.63	Fraudulent Sale or Transfer of Personal Identifying Information	71
CALJIC 15.64	Knowing Sale or Transfer of Personal Identifying Information to Person About to Commit Further Violation.....	72
F. COUNTERFEITING		
CALJIC 15.70	Making or Possessing Dies, Plates, Etc.....	74
PART 16 MISDEMEANOR INSTRUCTIONS		
A. BUSINESS AND PROFESSIONS CODE		
CALJIC 16.005	Unlawful Possession of Hypodermic Needle or Syringe	83
CALJIC 16.006	Fraudulent Obtaining of Hypodermic Needle.....	85
CALJIC 16.007	Permitting Improper Use of Hypodermic Needle..	87

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.		Page
CALJIC 16.010	Selling Liquor to Person Under 21.....	89
CALJIC 16.011	Purchase or Consumption of Liquor by Minor.....	91
CALJIC 16.012	Reliance on Proof of Majority.....	93
CALJIC 16.013	Purchase of Liquor for Minor, Resulting in Great Bodily Injury.....	96
CALJIC 16.013.1	Mistake of Fact as to Age	98
CALJIC 16.014	Alcoholic Beverage Includes.....	100
CALJIC 16.016	Parent/Guardian Knowingly Permitting Minor's Use or Consumption of Alcohol or Controlled Substance in the Home	101
CALJIC 16.020	Possession of Liquor by Minor	104

B. HEALTH AND SAFETY CODE

CALJIC 16.030	Concentrated Cannabis or Marijuana—Illegal Possession	106
CALJIC 16.035	Marijuana—Gives Away or Transports Not More Than 28.5 Grams	109
CALJIC 16.040	Possession of Controlled Substance Device.....	111
CALJIC 16.050	Presence Where Controlled Substances Used	113
CALJIC 16.060	Use or Under Influence of Controlled Substances—“Under the Influence of Controlled Substance”—Defined	115
CALJIC 16.061	Use or Under Influence of Controlled Substances—Burden of Proof of Authorized Administration ...	117
CALJIC 16.062	Misdemeanor Unlawful Possession of Controlled Substance.....	119

C. PENAL CODE

CALJIC 16.075	Fraudulent Claims for Health Care Benefits—A Misdemeanor	121
CALJIC 16.100	Assault on Peace Officer, Firefighter, et. al.	124
CALJIC 16.101	Battery on Peace Officer, Firefighter, et al.....	127
CALJIC 16.102	Resisting Arrest.....	130
CALJIC 16.103	Discharge or Performance of Duties—Defined ...	133
CALJIC 16.104	“Lawful Arrest”—Defined.....	135
CALJIC 16.105	Method of Arrest.....	137
CALJIC 16.106	Arrest or Detention—Use of Reasonable Force—Duty to Submit.....	139
CALJIC 16.107	Resisting Arrest—Passive Resistance	141
CALJIC 16.108	Lawful Detention—Defined.....	142
CALJIC 16.109	Pat Down Search	145
CALJIC 16.110	Performing or Discharging Duties of Officer—Burden of Proof	146

TABLE OF INSTRUCTIONS

Inst. No.		Page
CALJIC 16.111	Use of Excessive Force by Officer.....	148
CALJIC 16.112	Assaulting or Beating Without Lawful Necessity.....	150
CALJIC 16.113	Assault Against Service Personnel	152
CALJIC 16.115	Escape Following Remand or Arrest	154
CALJIC 16.116	Fraudulently Impersonating a Peace Officer	156
CALJIC 16.116.1	Fraudulently Using Authentic Badge to Impersonate a Peace Officer.....	157
CALJIC 16.116.2	Fraudulently Inducing Belief That One is a Peace Officer by Use of False Badge	158
CALJIC 16.116.3	Willfully Wearing or Transferring Fake Law Enforcement Paraphernalia	160
CALJIC 16.117	Fraudulently Impersonating Rescue Team Member	162
CALJIC 16.117.1	Fraudulently Impersonating Rescue Team Member by Use of a Badge.....	164
CALJIC 16.117.2	Fraudulently Impersonating Rescue Team Member by Use of a False Badge	166
CALJIC 16.120	Courthouse Picketing	168
CALJIC 16.135	False Imprisonment.....	170
CALJIC 16.140	Battery.....	172
CALJIC 16.140.1	Battery Against Spouse, etc.	174
CALJIC 16.141	Battery—"Force and Violence"—Defined.....	176
CALJIC 16.142	Battery—Insulting Words No Justification	178
CALJIC 16.143	Battery—Resisting Unlawful Arrest.....	179
CALJIC 16.145	Sexual Battery—Defined.....	180
CALJIC 16.150	Failure to Provide	182
CALJIC 16.151	Failure to Provide—Duty of Support Regardless of Marital Status or Provision of Divorce Decree .	184
CALJIC 16.152	Failure to Provide as Prima Facie Evidence That Omission Was Willful and Without Lawful Excuse.....	185
CALJIC 16.153	Failure to Provide—Proof of Parentage	187
CALJIC 16.154	Failure to Provide—Excuse of Inability.....	189
CALJIC 16.155	Failure to Provide—Ability to Support—Factors to Consider	190
CALJIC 16.156	Failure to Provide—Care Furnished by Other Parent or Others No Defense.....	191
CALJIC 16.160	Contributing to Delinquency of Minor	192
CALJIC 16.160.1	Persuading, Luring or Transporting Minors Under 14 Years of Age.....	195
CALJIC 16.161	Contributing to Delinquency of Minor—"Dependent Child"—Defined	198
CALJIC 16.162	Contributing to Delinquency of Minor—"Delinquent Child"—Defined	203

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.		Page
CALJIC 16.163	Definitions.....	204
CALJIC 16.164	Unlawful Sexual Intercourse—Defined	207
CALJIC 16.170	Child Abuse/Neglect/Endangerment Misdemeanor	209
CALJIC 16.171	Publishing Information About Child	213
CALJIC 16.172	Elder/Dependent Adult/Neglect/Endangerment Misdemeanor	215
CALJIC 16.175	Sexual Assault of Animal	219
CALJIC 16.176	Misdemeanor Animal Neglect	221
CALJIC 16.180	Obscenity—Obscene Matter	223
CALJIC 16.181	Obscenity—Statutory Definitions	226
CALJIC 16.182	Obscenity—“Obscene Matter”—Elements.....	227
CALJIC 16.183	Obscenity—“Matter”—Defined	229
CALJIC 16.184	Obscenity—“Average Adult Person”—Defined...	230
CALJIC 16.185	Obscenity—Other Definitions	231
CALJIC 16.186	Obscenity—“Contemporary Community Standard”—Defined	232
CALJIC 16.187	Obscenity—Defined.....	234
CALJIC 16.188	Distributing Obscene Matter to Minors.....	235
CALJIC 16.190	Obscenity and Nudity Contrasted	237
CALJIC 16.191	Obscenity and Sex Contrasted	238
CALJIC 16.192	Obscenity—Possession of Obscene Matter	239
CALJIC 16.193	Obscenity—Exhibition of Similar Matter	240
CALJIC 16.194	Obscenity—Commercial Exploitation of Matter as Evidence	241
CALJIC 16.194.5	Obscenity—Depiction of Persons Under Sixteen as Evidence	242
CALJIC 16.210	Obscenity—Obscene Live Conduct.....	244
CALJIC 16.211	Obscenity—“Obscene Live Conduct”—Elements .	246
CALJIC 16.220	Indecent Exposure.....	248
CALJIC 16.225	Disturbance of Public Assembly or Meeting	251
CALJIC 16.230	Incitement to Riot	253
CALJIC 16.231	Incitement to Riot—“Riot”—Defined	255
CALJIC 16.235	Riot.....	256
CALJIC 16.240	Unlawful Assembly	258
CALJIC 16.241	Participation in Unlawful Assembly.....	260
CALJIC 16.250	Refusal to Disperse When Ordered.....	261
CALJIC 16.251	Refusal to Disperse When Ordered—“Lawful Warning”—Defined	263
CALJIC 16.252	“Rout”—Defined.....	264
CALJIC 16.253	Participation in a Rout.....	265
CALJIC 16.260	Breach of Peace	266
CALJIC 16.261	Breach of Peace—Definition of Terms Used	268

TABLE OF INSTRUCTIONS

Inst. No.		Page
CALJIC 16.262	Breach of Peace—Intent to Provoke Violence Not Necessary	270
CALJIC 16.280	Disturbing the Peace—College	271
CALJIC 16.290	Exhibiting Firearm/Deadly Weapon	273
CALJIC 16.292	Exhibiting Imitation Firearm	276
CALJIC 16.293	Possession of a Deadly Weapon With Intent to Assault	279
CALJIC 16.294	Grossly Negligent Discharge of BB Device	281
CALJIC 16.300	Petty Theft	283
CALJIC 16.301	Misdemeanor Shoplifting	285
CALJIC 16.302	Misdemeanor Forgery	287
CALJIC 16.303	Misdemeanor NSF Checks	289
CALJIC 16.305	Unlawful Taking of a Bicycle, Motorboat or Vessel.....	291
CALJIC 16.320	Vandalism	293
CALJIC 16.325	Cruelty to Animals	295
CALJIC 16.330	Entering Land to Interfere With Business	297
CALJIC 16.340	Entering and Occupying Real Property	299
CALJIC 16.350	Unauthorized Entry of Property	301
CALJIC 16.351	Burglary—Possession of Burglary Tools	303
CALJIC 16.400	Lewd Conduct.....	305
CALJIC 16.401	Lewd Conduct—“Public Place”—Defined.....	309
CALJIC 16.403	Lewd Conduct—“Solicit”—Defined.....	310
CALJIC 16.420	Disorderly Conduct.....	311
CALJIC 16.421	Disorderly Conduct with Person 18 Years of Age or Older	315
CALJIC 16.422	Disorderly Conduct with Minor	318
CALJIC 16.430	Disorderly Conduct—Drunk in Public Place	321
CALJIC 16.431	“Public Place”—Defined.....	323
CALJIC 16.440	Annoying or Molesting a Child.....	324
CALJIC 16.441	Annoying or Molesting Adult Believed to be Under 18	326
CALJIC 16.445	Loitering	328
CALJIC 16.447	Unlawful Peeking.....	330
CALJIC 16.448	Unlawful Electronic Recording to Arouse the Lusts of the Person Recording.....	332
CALJIC 16.449	Unlawful Recording to View Body or Undergarments	334
CALJIC 16.449.1	Intentional Distribution of Private Sexual Images Knowing Distribution May Cause Emotional Distress	336
CALJIC 16.450	Loitering About School.....	338
CALJIC 16.455	Loitering for Prostitution.....	340
CALJIC 16.456	Loitering for Prostitution—How Intent Evidenced Factors to Consider.....	341

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.		Page
CALJIC 16.460	Concealed Weapons.....	342
CALJIC 16.470	Carrying Loaded Firearm	345
CALJIC 16.475	Permitting Another to Carry Loaded Firearm Within Motor Vehicle.....	348
CALJIC 16.498.1	Hanging a Noose on Private Property to Terrorize	350
CALJIC 16.498.2	Hanging a Noose on School Property, Park, or Place of Employment to Terrorize.....	352
CALJIC 16.499	Placing or Displaying a Symbol on Private Property to Terrorize	354
CALJIC 16.500	Interference With Civil Rights—Threat of Force to Person.....	356
CALJIC 16.501	Interference With Civil Rights—Damage to Property.....	359
CALJIC 16.505	Spoliation of Evidence	362
CALJIC 16.510	Planting or Manufacturing Evidence.....	364
CALJIC 16.510.1	—Crimes on or after January 1, 2017	366
CALJIC 16.531	Aggravated Trespass	368
CALJIC 16.540	Unlawful Possession of Personal Identifying Information.....	370
CALJIC 16.550	Intentional Harassment of Child	371
CALJIC 16.552	Unpermitted Use of Computer Services	373
CALJIC 16.553	Unpermitted Provision of Access to a Computer	374
CALJIC 16.554	Unpermitted Access to a Computer.....	376
CALJIC 16.555	Introducing Computer Containment Into Any Computer	378
CALJIC 16.556	Unpermitted Use of Internet Domain Name to Damage Any Computer	380
CALJIC 16.557	Unpermitted Provision of Access to a Computer or Public Safety Infrastructure Computer	383
CALJIC 16.558	Introducing Computer Containment Into Public Safety Infrastructure Computer.....	386
CALJIC 16.560	Extortion—Use of Documents Resembling Court Order or Process	388
CALJIC 16.561	Extortion—Publication and Sale of Documents Resembling Court Order or Process	390

D. VEHICLE CODE

CALJIC 16.602	“Highway” or “Street”—Defined	392
CALJIC 16.620	Tampering With Vehicle	393
CALJIC 16.630	Driving Without Being Licensed.....	395
CALJIC 16.631	Licensed Driver—Burden of Proof.....	397
CALJIC 16.632	Failure to Present License Upon Demand.....	398
CALJIC 16.640	Driving When License Suspended or Revoked	400

TABLE OF INSTRUCTIONS

Inst. No.		Page
CALJIC 16.641	Inference of Knowledge of Suspension or Revocation of Driver's License	402
CALJIC 16.650	Misdemeanor Hit and Run	404
CALJIC 16.652	Misdemeanor Hit and Run—Driver's Duty Not Affected by Blame for Accident	408
CALJIC 16.830.01	Misdemeanor Driving Under the Influence of an Alcoholic Beverage	409
CALJIC 16.830.02	Misdemeanor Driving Under the Influence of any Drug.....	411
CALJIC 16.830.03	Misdemeanor Driving Under the Combined Influence of Any Drug or Alcohol	413
CALJIC 16.830.04	Misdemeanor Driving While Addicted	415
CALJIC 16.830.05	Misdemeanor Driving With 0.04 Percent Blood Alcohol.....	417
CALJIC 16.830.1	Misdemeanor Driving With 0.08 Percent Alcohol.....	419
CALJIC 16.831	Alcohol or Drug Influenced Driving—"Under the Influence"—Defined	421
CALJIC 16.831.1	Driving Vehicle While Addicted—Addiction Defined.....	423
CALJIC 16.832	Alcoholic or Drug Influenced Driving—Under the Influence Relates to Condition of Driver.....	424
CALJIC 16.835	Liquor Influenced Driving—Refusal to Take Sobriety Test—Consciousness of Guilt	425
CALJIC 16.840	Reckless Driving.....	427
CALJIC 16.841	Reckless Driving—Speeding as Constituting ...	429
CALJIC 16.842	Reckless Driving Causing Bodily Injury to Person Other than Driver	430
CALJIC 16.860	Speed Contest	432
CALJIC 16.870	Exhibition of Speed	434
CALJIC 16.880	Violation of Promise to Appear	436
CALJIC 16.890	Flight From Pursuing Peace Officer	438

E. REVENUE AND TAXATION CODE

CALJIC 16.910	Failure to File Tax Return or Supply Information.....	441
CALJIC 16.911	False Tax Return or Information	443
CALJIC 16.912	Willful Failure to Pay Estimated Tax	445
CALJIC 16.913	Failure to Withhold Tax or Pay Over Tax Withheld	447

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.

Page

PART 17 CONCLUDING INSTRUCTIONS

A. MULTIPLE DEFENDANTS, COUNTS AND OFFENSES

CALJIC 17.00	Several Defendants—Verdict as to Some and Disagreement as to Others.....	452
CALJIC 17.01	Verdict May Be Based on One of a Number of Unlawful Acts	453
CALJIC 17.02	Several Counts—Different Occurrences—Jury Must Find on Each	456
CALJIC 17.03	Two Counts—Same Occurrence—Only One Crime	458
CALJIC 17.04	Receiving Stolen Property and Vehicle Code Section 10851—One or Two Crimes Committed	460
CALJIC 17.05	Conspiracy—Issue Whether One or Several Conspiracies	462
CALJIC 17.05.1	Jury Finding—One or Multiple Conspiracies.....	464
CALJIC 17.06	Theft/Receiving Stolen Property Charged Alternately.....	465
CALJIC 17.07	Segmented Trial.....	467

B. LESSER OFFENSE OR DEGREE

CALJIC 17.10	Conviction of Lesser Included or Lesser Related Offense—Implied Acquittal—First	468
CALJIC 17.11	Conviction of Lesser Degree	473
CALJIC 17.12	Jury May Return Partial Verdict—Non-Homicide—Express Acquittal—First	474

C. PUNISHMENT ENHANCEMENT/PROBATION DENIAL FINDINGS

CALJIC 17.15	Defendant Armed in Commission of Crime.....	479
CALJIC 17.16	Personal Use of Dangerous/Deadly Weapon	482
CALJIC 17.16.1	Personally Armed With Firearm.....	485
CALJIC 17.16.2	Armed Defendant Not Physically Present When Drug and Weapon Recovered	487
CALJIC 17.17	Loss in Excess of Specified Amount	489
CALJIC 17.17.1	Aggravated White Collar Enhancement	492
CALJIC 17.18	Defendant Served Prior Term in Prison—Trial Not Bifurcated.....	494
CALJIC 17.18.1	Defendant Served Prior Term in Prison—Bifurcated Trial	498

TABLE OF INSTRUCTIONS

Inst. No.		Page
CALJIC 17.19	Personal Use of Firearm.....	501
CALJIC 17.19.1	Personal Use of Firearm or Deadly Weapon—Sex Crimes	504
CALJIC 17.19.5	Intentional and Personal Discharge of Firearm/ Great Bodily Injury.....	507
CALJIC 17.20	Infliction of Great Bodily Injury	510
CALJIC 17.20.01	Infliction of Great Bodily Injury—Comatose or Paralysis	514
CALJIC 17.20.02	Infliction of Great Bodily Injury—Victim Under 5 Years of Age or 70 or Older	517
CALJIC 17.20.03	Infliction of Great Bodily Injury—Domestic Violence	520
CALJIC 17.20.1	Infliction of Great Bodily Injury—Sex Crimes ..	523
CALJIC 17.21	Finding for Health and Safety Code § 11370.4/ 11379.8 Sentence Enhancements	526
CALJIC 17.22	Possession for Sale/Offering to Sell/Sale of 14.25 Grams or More	528
CALJIC 17.23	Previous Conviction and Personally Armed in Commission of Felony or Unlawfully Armed at Arrest	530
CALJIC 17.24	Enhancements	533
CALJIC 17.24.01	Committing New Felony While on Conditional Release From Other Felony	535
CALJIC 17.24.1	Miscellaneous Enhancement or Probation Denial Allegations.....	537
CALJIC 17.24.2	Felonies Committed for the Benefit of Street Gangs	539
CALJIC 17.24.3	Collective Engagement.....	544
CALJIC 17.24.4	Evidence of Gang Activity—Limiting Instruction.....	545
CALJIC 17.24.5	Felony Interference With Civil Rights	547
CALJIC 17.24.6	Aggravating Circumstances—Jury Duty to Find— Unitary Trial	550
CALJIC 17.24.7	Aggravating Circumstances—Jury Duty to Find— Bifurcated Trial	552

D. FINDING PRIOR CONVICTION

CALJIC 17.25	Prior Conviction of Felony—Jury Duty to Find ..	554
CALJIC 17.26	Jury Duty to Find Prior Felony—Bifurcated Trial	558
CALJIC 17.26.1	Prior Conviction	560
CALJIC 17.26.2	Aggravated Kidnapping.....	562
CALJIC 17.26.3	Mayhem or Torture.....	563
CALJIC 17.26.4	First Degree Burglary.....	564

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.		Page
CALJIC 17.26.5	In Concert Allegations	566
CALJIC 17.26.6	Personal Infliction of Great Bodily Injury	568
CALJIC 17.26.7	Personal Infliction of Bodily Injury Upon Victim Under Age of Fourteen Years.....	569
CALJIC 17.26.8	Kidnapping.....	570
CALJIC 17.26.9	Burglary	571
CALJIC 17.26.10	Personal Use of Dangerous or Deadly Weapon or Firearm	572
CALJIC 17.26.11	Multiple Victims	575
CALJIC 17.26.12	Tying or Binding of Victim or Another Person ..	577
CALJIC 17.26.13	Administering of Controlled Substance to Victim	578
CALJIC 17.26.14	Crimes in Concert, Crimes of Other Participants	579
CALJIC 17.29	Willful Refusal to Take or Complete Tests Regarding Driving Under the Influence.....	581
CALJIC 17.29.1	Implied Consent—Choice of Tests	585

E. JURY CAUTIONARY INSTRUCTIONS

CALJIC 17.30	Jury Not to Take Cue From the Judge.....	588
CALJIC 17.31	All Instructions Not Necessarily Applicable	590
CALJIC 17.32	Judge's Comment on Evidence	591

F. JURORS' DUTIES

CALJIC 17.40	Individual Opinion Required—Duty to Deliberate ..	593
CALJIC 17.41	How Jurors Should Approach Their Task.....	595
CALJIC 17.42	Jury Must Not Consider Penalty—Non-Capital Case	596
CALJIC 17.43	Jury Deliberations	597
CALJIC 17.45	Manner of Recording Instruction of No Significance— Content Only Governs.....	599
CALJIC 17.46	Jury Not to Speculate as to Partial Acquittal by Court	601
CALJIC 17.47	Admonition Against Disclosure of Jury Balloting ..	602

G. CONCLUDING INSTRUCTIONS

CALJIC 17.49	Use of Multiple Verdict Forms—Implied Acquittal-First.....	603
CALJIC 17.50	Concluding Instruction	605
CALJIC 17.51	Substitution of Juror After Deliberations Begun ..	607
CALJIC 17.51.1	Substitution of Juror During or for Penalty Phase	609

TABLE OF INSTRUCTIONS

Inst. No.		Page
CALJIC 17.52	Separation Admonition	611
CALJIC 17.53	Admonition to Alternate Jurors	613
CALJIC 17.54	Electronic Communication Devices—Prohibition ..	614
CALJIC 17.60	Post Verdict Juror Admonition/Order	615

PART 18 ANNOTATIONS TO CALCRIM

EVIDENCE

A. GENERAL INSTRUCTIONS

306.	Untimely Disclosure of Evidence	619
------	---------------------------------------	-----

B. WITNESSES

(ii) Particular Types of Witnesses

334.	Accomplice Testimony Must be Corroborated: Dispute Whether Witness is Accomplice	620
335.	Accomplice Testimony: No Dispute Whether Witness is Accomplice	621
336.	In-Custody Informant	622

E. PARTICULAR TYPES OF EVIDENCE

375.	Evidence of Uncharged Offense to Prove Identity, Intent, Common Plan, etc.	623
------	---	-----

AIDING AND ABETTING, INCHOATE, AND ACCESSORIAL CRIMES

A. AIDING AND ABETTING AND RELATED DOCTRINES

401.	Aiding and Abetting: Intended Crimes	624
402.	Natural and Probable Consequences Doctrine (Target and Non-Target Offenses Charged)	625
403.	Natural and Probable Consequences (Only Non-Target Offense Charged)	626

B. CONSPIRACY

415.	Conspiracy (Penal Code, § 182)	627
417.	Liability for Coconspirator's Acts	629

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.		Page
C. ACCESSORY AND SOLICITATION		
440.	Accessories (Penal Code, § 32).....	630
441.	Solicitation: Elements (Pen. Code, § 653f).....	631
HOMICIDE		
B. JUSTIFICATIONS AND EXCUSES		
505.	Justifiable Homicide: Self-Defense or Defense of Another.....	632
C. MURDER: FIRST AND SECOND DEGREE		
520.	First or Second Degree Murder With Malice Aforethought ...	633
D. FELONY MURDER		
541A.	Felony Murder: Second Degree—Defendant Allegedly Committed Fatal Act	634
549.	Felony Murder: One Continuous Transaction—Defined	635
E. ALTERNATE THEORIES OF LIABILITY		
560.	Homicide: Provocative Act by Defendant.....	636
561.	Homicide: Provocative Act by Accomplice	637
F. MANSLAUGHTER		
(i) Voluntary		
570.	Voluntary Manslaughter: Heat of Passion—Lesser Included Offense (Pen. Code § 192(a))	638
571.	Voluntary Manslaughter: Imperfect Self-Defense or Imperfect Defense of Another—Lesser Included Offense (Pen. Code, § 192)	639
(ii) Involuntary		
580.	Involuntary Manslaughter: Lesser Included Offense	640
G. ATTEMPT		
600.	Attempted Murder	641
601.	Attempted Murder: Deliberation and Premeditation	642

TABLE OF INSTRUCTIONS

Inst. No.		Page
602.	Attempted Murder: Peace Officer, Firefighter, Custodial Officer, or Custody Assistant.....	643
K. SPECIAL CIRCUMSTANCES		
(ii) Special Circumstances		
728.	Lying in Wait-After March 7, 2000 (Pen. Code. § 190.2(a)(15)).....	644
736.	Special Circumstances: Killing by Street Gang Member (Pen. Code, § 190.2(a)(22))	645
L. DEATH PENALTY		
775.	Death Penalty: Mental Retardation.....	646
ASSAULTIVE AND BATTERY CRIMES		
A. MAYHEM		
801.	Mayhem (Pen. Code, § 203).....	647
B. TORTURE		
810.	Torture	648
C. ABUSE OF OR INJURY TO CHILD, ELDER OR DEPENDENT ADULT, SPOUSE		
(i) Child		
820.	Assault Causing Death of Child.....	649
821.	Child Abuse Likely to Produce Great Bodily Harm or Death	650
(iv) Evidence		
851.	Testimony on Intimate Partner Battering and Its Effects: Offered by the Defense	651
852.	Evidence of Uncharged Domestic Violence.....	652
853.	Evidence of Uncharged Abuse of Elder or Dependent Person.....	653

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.

Page

D. ASSAULT

(i) With Weapon or Force Likely

(A) ON SPECIFIED PEOPLE

860. Assault on Firefighter or Peace Officer With Deadly Weapon or Force Likely to Produce Great Bodily Injury (Pen. Code, §§ 240, 245(c) & (d)).....654

(B) GENERAL

875. Assault With Deadly Weapon or Force Likely to Produce Great Bodily Injury.....654

(iv) Simple Assault

915. Simple Assault655

E. BATTERY

(ii) Sexual Battery

935. Sexual Battery: Felony (Pen. Code, §§ 242, 243.4(a) & (d)) ...656
937. Sexual Battery: By Fraudulent Representation657

F. SHOOTING AND BRANDISHING

(ii) Brandishing

985. Brandishing Imitation Firearm (Pen. Code, § 417.4)).....658

SEX OFFENSES

A. AGAINST ADULT OR MINOR

(i) Rape

1002. Rape of Intoxicated Woman or Spouse (Pen. Code §§ 261(a)(3), 262(a)(2)).....659
1003. Rape of Unconscious Woman or Spouse (Pen. Code §§ 262(a)(4), 262(a)(3)).....660

TABLE OF INSTRUCTIONS

Inst. No.		Page
	(ii) Oral Copulation	
1018.	Oral Copulation of an Unconscious Person	661
	(iii) Sodomy	
1030.	Sodomy by Force, Fear, or Threats	662
1033.	Sodomy of an Unconscious Person	663
	(iv) Sexual Penetration	
1048.	Sexual Penetration of an Unconscious Person	664
	B. AGAINST MINORS ONLY	
	(iii) Sodomy	
1090.	Sodomy With Person Under 14	665
1091.	Sodomy With Minor: Defendant 21 or Older	666
1092.	Sodomy With Person Under 18	667
	(v) Lewd and Lascivious Act	
1110.	Lewd and Lascivious Act: Child Under 14 (Penal Code § 288(a))	668
1111.	Lewd or Lascivious Act by Force or Fear	669
	(vi) Other Offenses	
1123.	Aggravated Sexual Assault of Child Under 14 Years	670
1127.	Engaging in Sexual Intercourse or Sodomy with Child 10 years of Age or Younger	671
1128.	Engaging in Oral Copulation or Sexual Penetration With Child 10 years of Age or Younger	672
	C. OTHER SEX RELATED OFFENSES	
	(ii) Pimping, Pandering, Prostitution	
1150.	Pimping (Pen. Code, § 266h)	673
1151.	Pandering	674
1155.	Prostitution, Agreeing to Engage in Act	675

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.		Page
	(iii) Conduct in Public	
1160.	Indecent Exposure (Pen. Code § 314).....	676
1162.	Soliciting Lewd Conduct in Public.....	677
	D. EVIDENCE	
1191.	Evidence of Uncharged Sex Offense	678
1192.	Testimony on Rape Trauma Syndrome.....	679
1193.	Testimony on Child Sexual Abuse Accommodation Syndrome	680
	KIDNAPPING	
	A. KIDNAPPING	
	(i) Aggravated	
1202.	Kidnapping; For Ransom, Reward, or Extortion (Pen. Code, § 209(a)).....	681
1203.	Kidnapping: For Robbery, Rape, or Other Sex Offenses.....	682
1204.	Kidnapping: During Carjacking.....	683
	(ii) Simple Kidnapping	
1215.	Kidnapping	684
	C. FALSE IMPRISONMENT	
1244.	Causing Minor to Engage in Commercial Sex Act (Pen. Code, § 236.1(c))	685
	D. CHILD ABDUCTION	
1252.	Defense to Child Abduction: Protection From Immediate Injury.....	686
	CRIMINAL THREATS AND HATE CRIMES	
	A. THREATENING, STALKING, OR TERRORIZING	
1300.	Criminal Threat (Pen. Code, § 422).....	687
1301.	Stalking.....	688

TABLE OF INSTRUCTIONS

Inst. No.		Page
	CRIMINAL STREET GANGS	
1400.	Active Participation in Criminal Street Gang (Penal Code, § 186.22(a))	689
1402.	Gang-Related Firearm Enhancement	690
	ARSON	
	A. ARSON	
	(i) Aggravated	
1501.	Arson: Great Bodily Injury (Penal Code, § 451)	691
1502.	Arson: Inhabited Structure or Property (Penal Code, § 451(b))	692
	ROBBERY AND CARJACKING	
	A. ROBBERY	
1600.	Robbery (Pen. Code, § 211)	693
1601.	Robbery in Concert	695
	BURGLARY AND RECEIVING STOLEN PROPERTY	
	A. BURGLARY	
1700.	Burglary (Pen. Code § 459)	696
1701.	Burglary: Degrees (Pen. Code § 460)	698
1703.	Shoplifting (Pen. Code, § 459.5)	699
	B. RECEIVING STOLEN PROPERTY AND RELATED INSTRUCTIONS	
1750.	Receiving Stolen Property	700
	THEFT AND EXTORTION	
	A. THEFT	
1800.	Theft by Larceny (Pen. Code, § 484)	701
1801.	Grand and Petty Theft	702
1804.	Theft by False Pretense	703
1806.	Theft by Embezzlement (Pen. Code, §§ 484, 503)	704

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.		Page
B. TAKING OR TAMPERING WITH VEHICLE		
1820.	Unlawful Taking or Driving of Vehicle (Veh. Code, § 10851(a)(b))	705
E. THEFT RELATED INSTRUCTIONS		
1863.	Defense to Theft or Robbery: Claim of Right	706
CRIMINAL WRITINGS AND FRAUD		
F. IDENTITY THEFT		
2040.	Unauthorized Use of Personal Identifying Information	707
VEHICLE OFFENSES		
A. DUI		
(i) Causing Injury		
2100.	Driving a Vehicle or Operating a Vessel Under the Influence Causing Injury	708
(ii) Without Injury		
2110.	Driving Under the Influence	709
2111.	Driving With 0.08 Percent Blood Alcohol	710
B. FAILURE TO PERFORM DUTY FOLLOWING ACCIDENT		
(iii) Enhancement		
2160.	Fleeing the Scene Following Accident: Enhancement for Vehicular Manslaughter (Veh. Code, § 20001(c))	711
C. EVADING		
2180.	Evading Peace Officer: Death or Serious Bodily Injury	712
2181.	Evading Peace Officer: Reckless Driving.....	713
2182.	Evading Peace Officer: Misdemeanor.....	714

TABLE OF INSTRUCTIONS

Inst. No.		Page
D. RECKLESS DRIVING AND SPEED CONTEST		
2200.	Reckless Driving (Veh. Code § 23103(a) & (b))	715
CONTROLLED SUBSTANCES		
A. CONTROLLED SUBSTANCES		
2303.	Possession of Controlled Substance While Armed With Firearm	716
2305.	Defense: Momentary Possession of Controlled Substance....	717
E. MARIJUANA		
(ii) Transportation or Offering to Transport		
2360.	Transporting or Giving Away Marijuana: Not More Than 28.5 Grams—Misdemeanor.....	718
2361.	Transporting or Giving Away Marijuana: More Than 28.5 Grams (Health & Saf. Code, § 11360(a))	719
(iii) Planting		
2370.	Planting, etc., Marijuana	720
I. OTHER RELATED OFFENSES		
2440.	Maintaining a Place for Controlled Substance Sale or Use..	721
WEAPONS		
A. POSSESSION OF ILLEGAL OR DEADLY WEAPON		
2500.	Illegal Possession, etc. of Weapon.....	722
2501.	Carrying Concealed Explosive or Dirk or Dagger.....	723
C. CARRYING A FIREARM		
(iii) Sentencing Factors		
2542.	Carrying Firearm: Active Participant in Criminal Street Gang (Pen. Code, §§ 25400(c)(3), 25850(c)(3)).....	724

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.		Page
	CRIMES AGAINST GOVERNMENT	
	A.. BRIBERY OF AN OFFICIAL	
2600.	Giving or Offering a Bribe to an Executive Officer (Pen. Code, § 67)	725
2601.	Giving or Offering a Bribe to a Ministerial Officer (Pen. Code, § 67.5)	726
	E. THREATENING OR RESISTING OFFICER	
2656.	Resisting Peace Officer, Public Officer, or EMT	727
	I. CRIMES INVOLVING PRISONERS	
	(i) Assault and Battery	
2723.	Battery by Prisoner on Nonprisoner.....	728
	(iii) Possession of Contraband	
2745.	Possession or Manufacture of Weapon in Penal Institution	729
2747.	Bringing or Sending Firearm, Deadly Weapon, or Explosive Into Penal Institution	730
	(iv) Escape	
2760.	Escape (Pen. Code § 4532 (a)(1) and (b)(1)).....	731
2761.	Escape By Force or Violence (Pen. Code § 4532 (a)(2) and (b)(2)).....	732
	TAX CRIMES	
	A. FAILURE TO FILE	
2801.	Willful Failure to File Tax Return.....	733
	VANDALISM, LOITERING, TRESPASS, AND OTHER MISCELLANEOUS OFFENSES	
	A. VANDALISM	
2900.	Vandalism	734

TABLE OF INSTRUCTIONS

Inst. No.		Page
E. ALCOHOL RELATED OFFENSES (NONDRIVING)		
2966.	Disorderly Conduct: Under the Influence in Public.....	735
G. BETTING		
2997.	Money Laundering (Pen. Code, § 186.10)	736
ENHANCEMENTS AND SENTENCING FACTORS		
D. PERSONALLY USED DEADLY WEAPON OR FIREARM		
3148.	Personally Used Firearm: Intentional Discharge (Pen. Code, § 12022.53(c)).....	737
3149.	Personally Used Firearm: Intentional Discharge Causing Injury or Death	738
3150.	Personally Used Firearm: Intentional Discharge and Discharge Causing Injury or Death—Both Charged	739
E. GREAT BODILY INJURY		
3160.	Great Bodily Injury.....	740
3161.	Great Bodily Injury: Causing Victim to Become Comatose or Paralyzed (Penal Code, § 12022.7(b))	741
3162.	Great Bodily Injury: Age of Victim (Pen. Code §§ 12022.7(c) & (d)).....	742
H. OTHER ENHANCEMENTS		
3220.	Amount of Loss (Pen. Code § 12022.6)	743
DEFENSES AND INSANITY		
A. GENERAL DEFENSES		
3404.	Accident.....	744
3407.	Defenses: Mistake of Law.....	745
3410.	Statute of Limitations.....	746
3412.	Compassionate Use (Health & Saf. Code, § 11362.5)	747
3413.	Collective or Cooperative Cultivation (Health & Saf. Code, § 11362.775)	748

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.		Page
C. INSANITY AND CIVIL COMMITMENTS		
3450.	Insanity: Determination, Effect of Verdict (Pen. Code, §§ 25, 29.8)	749
3451.	Present Mental Competence of Defendant.....	750
3453.	Extension of Commitment	751
3454.	Initial Commitment as Sexually Violent Predator	752
D. SELF-DEFENSE AND DEFENSE OF ANOTHER		
3470.	Right to Self-Defense or Defense of Another (Non-Homicide).....	753
3471.	Right to Self-Defense: Mutual Combat or Initial Aggressor	754
3472.	Right to Self-Defense: May Not be Contrived	755
3477.	Presumption That Resident Was Reasonably Afraid of Death or Great Bodily Injury (Pen. Code, § 198.5).....	756
POST-TRIAL: CONCLUDING		
B. MULTIPLE COUNTS AND COMPLETION OF VERDICT FORMS		
3516.	Multiple Counts: Alternative Charges for One Event—Dual Conviction Prohibited	757
D. CONCLUDING INSTRUCTION ON SUBMISSION TO JURY		
3550.	Pre-Deliberation Instructions	758
Appendix A.	Criminal Law—Sua Sponte Instructions	759
Appendix B.	Reasonable Doubt—The California Experience	769
Appendix C.	Lesser Offenses to the Offense Charged	775
Appendix D.	The Birth, Life, and Death of Lesser Related Offenses.....	787
Appendix E.	CALJIC Master List	795
Table of Laws and Rules.....		Tbl of L&R-1
Table of Cases.....		Tbl of Cases-1
Key Number Table.....		Key Num Tbl-1
Index.....		Index-1