

Index

ADULTERY

Generally, **7:1-7:4**
Another form, **7:3**
Commentary, **7:4**
Model charge, **7:2**

AFFIRMATIVE DEFENSE

Prostitution, **80:3**

AGGRAVATED OFFENSES

Health care services, interference with, **56:4**
Identity theft, **51:3**
Larceny of automated teller machine, **62:13**

AIRCRAFT

Laser directing at, **63:1, 63:2**

ANARCHY

Generally, **9:1-9:6**
Commentary, **9:3-9:6**
Model charge, **9:2**
Nature and definition of offense, **9:1**

ANIMALS

Generally, **8:1-8:5**
Animal fighting, **8:2**
Service animals, **8:3-8:5**

ARSON

Generally, **10:1-10:14**
Fifth degree, **10:14**
Fourth degree, **10:12-10:13**
Model charge, **10:5-10:9**
Nature and definition of offense, **10:1-10:4**
Third degree, **10:10-10:11**

ASSAULT

Generally, **11:1-11:59**
Aggravated vehicular assault, **11:53**
Deadly weapons and dangerous instruments, **11:10-11:11**

ASSAULT—Cont'd

Disfigure seriously and permanently, **11:16**
EMS causing serious physical injury, **11:30-11:33**
First degree, **11:12-11:15**
Mental culpability, **11:5-11:9**
Physical injury, **11:2-11:3**
Recklessly causing serious physical injury, **11:17-11:20**
Second degree, **11:21-11:29**
Serious physical injury, **11:4**
Third degree, **11:45-11:51**
Types of assault, **11:34-11:44**
Vehicular assault, **11:52, 11:54-11:59**

ATM

Aggravated grand larceny of automated teller machine, **62:13**

AUTO STRIPPING

Generally, **12:1-12:6**
Model charge, **12:4-12:6**

AUTOMATED TELLER MACHINE

Aggravated grand larceny of automated teller machine, **62:13**

BAD CHECKS

Generally, **13:1-13:9**
Affirmative defense, **13:8-13:9**
Issuing, **13:2-13:3**
Passing, **13:4-13:5**
Presumptions, **13:6-13:7**

BAIL JUMPING

Generally, **14:1-14:10**
Affirmative defense, **14:9-14:10**
Failure to respond to appearance ticket, **14:7-14:8**
First degree, **14:2**
Second degree, **14:3-14:4**
Third degree, **14:5-14:6**

BIGAMY

Generally, **15:1-15:4**
 Another form, **15:3**
 Model charge, **15:2**

BOATS AND BOATING

Driving while intoxicated, **59:9**

BOMB

Governmental duties, obstruction,
75:8

BRIBERY

Evidence tampering, concealment of
 human corpse, **16:80**
 Private individuals, generally, **16:36-
 16:58**
 Public servants, generally, **16:1-
 16:35**
 Witnesses, jurors and related persons,
16:59-16:79

BURGLARY

Generally, **17:1-17:33**
 At night, **17:12**
 First degree, model charge, **17:13-
 17:21**
 Mental Intent, **17:8-17:11**
 Model Charge, **17:4-17:6**
 Second degree, model charge, **17:22-
 17:29**
 Third degree, model charge, **17:30-
 17:33**
 Unlawfully entering or remaining,
17:2-17:3

CEMETRY DESECRATION

Aggravated cemetery desecration,
18:3-18:4
 Second degree, **18:1-18:2**

CHARGING THE JURY

Generally, **2:1-2:47**
 Alternative counts of indictment,
2:15
 Applying law to facts, **2:25**
 Balanced and nonprejudicial word-
 ing, **2:26**
 Coercion of jury by judge, **2:31**
 Comprehensible statutory and
 decisional language, **2:28**
 Considering charge as a whole, **2:30**

CHARGING THE JURY—Cont'd

Correction of erroneous charge, **2:27**
 Exceptions, **2:20**
 Exhibits in deliberating room, **2:32**
 Explaining meaning of legal terms,
2:29
 Form, **2:37, 2:40**
 Allen Charge, **2:46**
 Deadlocked jury, **2:45**
 Directing reconsideration of
 verdict, **2:44**
 Ministerial communications, **2:47**
 Model, **2:43**
 Separation of counts, **2:41**
 Separation of defendants, **2:42**
 Joined indictments, **2:18**
 Jurors' requests for further
 instructions, **2:22**
 Presence of counsel and defendant,
2:23
 Keeping jury together, **2:33**
 Length, verbosity and manner of
 delivery, **2:8**
 Lesser included offenses, **2:16**
 Marshaling evidence, **2:9**
 Necessity to charge, **2:3**
 Presence of counsel and defendant,
2:5
 Proof variance from indictment facts,
2:19
 Reading indictment, **2:10**
 Recess and jury separation during
 deliberations, **2:34**
 Replacing deliberating juror, **2:36**
 Self-representation, **2:14**
 Sufficiency of charge, **2:24**
 Supplemental instructions prior to
 deliberations, **2:21**
 Theories not contained in indictment,
2:17
 Timing, **2:4**
 Trial in absentia generally, **2:7**
 Trial in absentia warning, **2:6**
 Unanimity, **2:39**
 Use of facts of reported cases, **2:12**
 Use of hypothetical examples, **2:11**
 Verdict, **2:38**
 Viewing scene of crime, **2:35**

INDEX

CHARGING THE JURY—Cont'd

Withdrawal of former plea, **2:13**

CHILDREN & INCOMPETENTS AS VICTIMS

Abandonment, **19:1-19:3**

Assaulting, **19:29-19:31**

Commentary, **19:37**

Course of sexual conduct against
child, **19:38-19:46**

Endangering welfare, **19:1-19:10**

Endangering welfare (sexual abuse),
19:13-19:17

Endangering welfare of incompetent,
19:23-19:28

Facilitating female genital mutilation,
19:33

Female genital mutilation, **19:32**

Manslaughter, **19:35**

Misrepresentation, **19:11-19:12**

Murder, **19:36**

Nonsupport, **19:5-19:6**

Non-support of a child in the first
degree, **19:4-19:7**

Predatory sexual assault against a
child, **19:34**

Unlawfully dealing with a child,
19:18-19:22

CIGARETTE BOOTLEGGING

Generally, **20:1**

COERCED

Prostitution, **80:30**

COERCION

Generally, **21:1-21:15**

Exposing secrets, **21:6**

Model Charge, **21:2-21:15**

COMMENTARY

Obscenity, **74:11**

Obstructing administration, **75:3**

Rent gouging, **83:5**

Resisting arrest, **84:3**

Simulation, **88:3**

COMPOUNDING CRIME

Generally, **23:1**

Commentary, **23:5**

Soliciting, **23:2-23:4**

COMPUTER OFFENSES

Generally, **24:1-24:16**

Computer tampering, **24:4-24:9**

Computer trespass, **24:3**

Defenses, **24:12**

Duplication of computer material,
24:10

Possession of computer material,
24:11

Unauthorized use of a computer, **24:2**

Unlawful electronic sweepstakes,
24:13-24:16

CONSPIRACY

Generally, **25:1-25:15**

Jurisdiction and venue, **25:14**

Legal incapacity of coconspirator,
25:15

Model charge, **25:8, 25:9, 25:11-
25:13**

CORPORATE MISCONDUCT

Another form, **70:3**

Commentary, **70:4**

Model charge, **70:2**

Nature and definition, **70:1**

CORROBORATION

Perjury, **76:12**

Prostitution, **80:25**

Stolen property, **92:13**

CORRUPTION

Generally, **26:1-26:3**

CRIMINAL CONTEMPT

Generally, **27:1-27:18**

Aggravated criminal contempt, **27:18**

First degree, **27:2-27:8**

Legislature, **27:12-27:15**

Second degree, **27:9-27:11**

Temporary state commission, **27:16-
27:17**

CUSTODIAL INTERFERENCE

Generally, **28:1-28:6**

First degree, **28:2**

Relative taking child, **28:4**

Second degree, **28:3**

Substitution of children, **28:6**

CUSTODIAL INTERFERENCE

—Cont'd

Taking incompetent or other person,
28:5

DEFENSES

Generally, **5:1-5:56**

Affirmative, **5:3**

Agency, **5:5-5:6**

Alibi, **5:7-5:9**

Duress, **5:11-5:12**

Entrapment, **5:13-5:14**

Extreme Emotional Disturbance,
5:15

Identity theft, **5:10**

Innocent possession of a firearm,
5:16-5:17

Intoxication, **5:18-5:21**

Justification, **5:22-5:48**

Mental disease or defect, **5:49-5:50**

Mistake, **5:51-5:54**

Motion picture recorders, **5:10**

Ordinary, **5:2**

Particular defenses, **5:4**

Renunciation, **5:55**

Selective prosecution, **5:56**

Stolen property, **92:12**

DEFINITIONS

Indoor pyrotechnics, **55:1**

Money laundering, **71:1**

Nuisance, **73:1**

Obscenity, **74:1**

Perjury, **76:1**

Simulation, **88:1**

Solicitation, **90:1**

Stalking, **91:1**

Tampering

animal research, **95:15**

consumer products, **95:13**

public records, **95:8**

Terrorism, **96:1**

Theft, **97:1**

DEFINTION

Riot, **85:1**

DESTRUCTIVE DEVICE

Governmental duties, obstruction,
75:8

DISORDERLY CONDUCT

Generally, **29:1-29:14**

Commentary, **29:9**

Disruption or disturbance of a
religious service, **29:14**

Disturbing lawful assembly, **29:7**

Model charge, **29:10-29:12**

Obstructing vehicular or pedestrian
traffic, **29:8**

DRIVING WHILE IMPAIRED

Model charge, **59:10**

DRIVING WHILE INTOXICATED

General discussion, **59:4-59:9**

Model charge, **59:5-59:9**

Snowmobiles, **59:8**

Vessels, **59:9**

DRUGS

Generally, **30:1-30:71**

Automobile, **30:15-30:18**

Cannabis offenses, **30:46-30:49**

Criminal diversion of medical can-
nabis, **30:50, 30:51-30:52**

Criminal possession, **30:2-30:14**

Criminal possession of
methamphetamine, **30:65-30:70**

Criminal retention of medical can-
nabis, **30:53**

Criminal sale, **30:19-30:20, 30:22-
30:35**

Criminal sale of a prescription for a
controlled substance, **30:36**

Diversion of prescription medica-
tions, **30:55-30:62**

Exemption for witness or victim of
drug or alcohol overdose, **30:54**

Fraud and deceit related to controlled
substances, **30:63**

Injecting narcotic drug, **30:38**

Methamphetamine manufacturing-
related crimes, **30:64**

Operating as a major trafficker, **30:21**

Possessing blank prescription forms,
30:45

Possessing hypodermic needle, **30:37**

Possessing precursors, **30:44**

INDEX

DRUGS—Cont'd

- Unlawful disposal of
methamphetamine laboratory
material, **30:71**
- Using drug paraphernalia, **30:39-30:43**

ENCUMBRANCES

- Larceny, **62:38**

ENTERPRISE CORRUPTION

- Generally, **31:1-31:4**
- Aggravated enterprise corruption,
31:4
- Limitations, **31:3**

ESCAPE

- Generally, **32:1-32:12**
- Absconding from temporary release,
32:9-32:12
- First degree, **32:2-32:3**
- Second degree, **32:4-32:6**

EXPLOSIVE

- Governmental duties, obstruction,
75:8

FACILITATION

- Generally, **33:1-33:10**
- Commentary, **33:8**
- Corroboration, **33:10**
- Defense, **33:9**
- Degrees, **33:3, 33:5-33:7**
- General charge, **33:2**
- Model charge, **33:4**

FALSE ADVERTISING

- Generally, **34:1-34:3**
- Commentary, **34:3**
- Model charge, **34:2**

FALSE PERSONATION

- Generally, **35:1**

FALSIFYING PAPERS

- Reports
 - Generally, **36:1-36:41**
 - Business Records, **36:25-36:30**
 - Certificates, **36:1-36:3**
 - Fraudulent registration, **36:31**
 - Health care fraud, **36:32-36:37**
 - Instruments, **36:4-36:7**

FALSIFYING PAPERS—Cont'd

- Reports—Cont'd
 - Insurance Fraud, **36:8-36:17**
 - Life settlement fraud, **36:39-36:41**
 - Reporting Incidents, **36:18-36:24**
 - Residential mortgage fraud, **36:38**

FAMILY OFFENSE

- Aggravated family offense, **38:1**

FINAL INSTRUCTIONS TO JURY

- Generally, **3:1**
- Complete charge after trial, **3:2**

FIRE

- Indoor Pyrotechnics (this index)

FIRST DEGREE OFFENSES

- Health care services, interference
with, **56:3**
- Identity theft, **51:2, 51:6**
- Religious worship, interference with,
56:3

FOR HIRE VEHICLES

- Criminal assault, **37:1**

FORGED INSTRUMENTS

- Generally, **39:1-39:9**
- Commentary, **39:9**
- Defense, **39:8**
- First degree, **39:3-39:4**
- General charge, **39:2**
- Possession of forged instruments,
39:1
- Presumption, **39:6**
- Second degree, **39:5**
- Third degree, **39:7**

FORGERY

- Generally, **40:1-40:21**
- Another form, **40:9, 40:11**
- Complete instruments, **40:3-40:7**
- Model charge, first degree, **40:8**
- Possessing forgery devices, **40:15**
- Second degree, **40:10-40:12**
- Third degree, **40:13-40:14**
- Vehicle Identification Number,
40:16-40:21

FORTUNE TELLING

- Generally, **41:1-41:3**

FOURTH DEGREE OFFENSES

Larceny, **62:16, 62:21**

FRAUD

Accosting, **42:8-42:10**
Disposition of property, **42:11-42:14**
Government, **42:24-42:25**
Insolvency, **42:1-42:3**
Schemes, **42:18-42:23**
Security interests, **42:4-42:7**
Signatures, **42:15-42:17**

FRAUD AND DECEIT

Immigrant assistance services fraud,
62:33

GAMBLING OFFENSES

Generally, **43:1-43:21**
Altering or modification of equip-
ment and devices associated
with gaming, **43:21**
Counterfeit, unapproved or unlawful
wagering instruments, **43:15**
Gaming fraud, **43:14**
Lottery offenses, **43:13**
Manipulation of gaming outcomes,
43:20
Possessing gambling devices, **43:9-43:11**
Possessing gambling records, **43:5-43:8**
Possession of unlawful gaming prop-
erty, **43:1-43:18**
Presumptions, **43:12**
Promoting gambling, **43:2-43:4**
Unlawful manufacture, sale, distribu-
tion, marking, **43:21**

GENERAL INSTRUCTIONS

Generally, **4:1-4:106**
Accomplices, **4:1-4:3**
Acting in concert, **4:4-4:6**
Admissions, **4:7-4:11**
Age of victim, **4:12**
Attempt, **4:13-4:26**
Abandonment, **4:25**
Acts constituting, **4:14**
Commentary, **4:16, 4:19**
Intent, **4:18**
Supplemental charges, **4:15**

GENERAL INSTRUCTIONS

—Cont'd

Attempt, **4:13-4:26**—Cont'd
Underlying crime, **4:17**
Bloodhounds, **4:27**
Commentary, **4:28**
Chain of custody, **4:32**
Character evidence, **4:29-4:31**
Circumstantial evidence, **4:33-4:36**
Codefendant's guilty plea, **4:37**
Confessions, **4:38**
Commentary, **4:39**
Consciousness of guilt, **4:40**
Commentary, **4:41**
Consent, **4:42**
Conviction, single witness testimony,
4:43
Corporate conduct, individual
liability, **4:44**
Credibility, **4:45**
Commentary, **4:46**
Cross-race identification charge, **4:59**
Curative instructions, **4:47**
Dying declarations, **4:48**
Commentary, **4:49**
Excited utterances, **4:50**
Fingerprints, **4:51**
Flight, **4:53**
Commentary, **4:53**
Fruits of crime, **4:54**
Commentary, **4:55**
Identification, **4:56-4:58**
Identification, pretrial, **4:60**
Indictment as accusation, **4:61**
Inferences, **4:62**
Intent, **4:63-4:64**
Jury as trier of facts, **4:65**
Knowledge, **4:68**
Motive, **4:69-4:71**
Polygraphs, **4:77**
Presumption of innocence, **4:79-4:80**
Presumptions, **4:78**
Punishment, **4:81**
Reasonable doubt, **4:82-4:83**
Alternative Language, **4:85**
More Alternative Language, **4:84**
Reputation, **4:86-4:87**
Retrial, **4:88**

INDEX

GENERAL INSTRUCTIONS

—Cont'd

- Rulings by court, **4:89**
- Shackling defendant, **4:90-4:91**
- Silence of defendant, **4:92-4:95**
- Statements and opinions of counsel or court, **4:96-4:98**
- Supplemental charges, **4:66-4:67**
- Sympathy and antipathy, **4:99-4:100**
- Tape recordings, **4:101-4:102**
- Venue, **4:103-4:104**
- Weighing evidence, **4:105-4:106**

GRAFFITI

- Generally, **44:1-44:4**
- Commentary, **44:4**
- Making, **44:2**
- Possessing instruments, **44:3**

GRAND JURY

- Proceedings
 - Generally, **45:1-45:3**
 - Commentary, **45:3**
 - Model charge, **45:2**

HARASSMENT

- Generally, **46:1-46:14**
- Aggravated harassment, **46:4-46:11**
- Degrees, **46:2-46:3**
- Harassment of a rent regulated tenant, **46:12-46:14**

HATE CRIMES

- Generally, **47:1**

HAZARDOUS SUBSTANCE

- Governmental duties, obstruction, **75:8**

HAZING

- Generally, **48:1-48:3**

HEALTH CARE SERVICES

- Interference with, generally, **56:1-56:4**

HINDERING PROSECUTION

- Generally, **49:1-49:4**
- Degrees, **49:2-49:4**

HOMICIDE

- Generally, **50:1-50:42**

HOMICIDE—Cont'd

- Affirmative defenses, **50:39-50:40**
 - Killing or injuring police animal, **50:41-50:42**
- Aggravated vehicular homicide, **50:17**
- Criminally negligent homicide, **50:5-50:7**
- Intent, **50:2-50:3**
- Killing or injuring police animal, **50:37-50:38**
- Manslaughter, **50:8-50:16**
- Motive, **50:4**
- Murder, **50:22-50:24**
- Murder, first degree, **50:24-50:36**
- Vehicular manslaughter, **50:18-50:21**

HUMAN TRAFFICKING

- Generally, **99:1**
- Aggravated labor trafficking, **99:3**
- Labor trafficking, **99:2**

IDENTITY THEFT

- General discussion, **51:1-51:10**
- Aggravated identity theft, **51:3**
- Defenses, **51:10**
- First degree, **51:2, 51:6**
- Possession of personal identification information unlawfully, **51:7-51:8**
- Second degree, **51:4, 51:7**
- Skimmer device, **51:9**
- Third degree, **51:5, 51:8**

IMMIGRATION

- Assistance services fraud, larceny, **62:33**

IMPERSONATION

- General discussion, **52:6, 52:7**
- Model charge, criminal sale of police uniform, **52:7**
- Police uniform, criminal sale of, **52:6, 52:7**

INCEST

- Commentary, **53:3**
- Model charge, **53:2**
- Nature and definition, **53:1**

**INDECENT MATERIAL
DISSEMINATION**

Obscenity, **74:7**

INDICTMENTS

Commentary, **54:3**

Model charge, **54:2**

Unlawfully disclosing indictment,
54:1

INDOOR PYROTECHNICS

Aggravated unpermitted use of
pyrotechnics, **55:3**

Definition of offense, **55:1**

Unpermitted use of pyrotechnics,
55:2, 55:3

**INTERFERING WITH PEACE
OFFICER OR FIREFIGHTER**

Model charge

obstructing, **57:3**

refusing aid, **57:2**

Nature and definition of offense, **57:1**

**INTIMIDATING VICTIM OR
WITNESS**

Model charges, **58:2**

Nature and definition of offense, **58:1**

INTOXICATION

Commentary, **59:3**

Driving While Impaired (this index)

Model charges, **59:2**

Nature and definition of offense, **59:1**

JOSTLING

Commentary, **60:4**

Model charges

another form, **60:3**

pocket or handbag, **60:2**

Nature and definition of offense, **60:1**

KIDNAPPING

Abduction, **61:3**

Consent of victim, **61:4**

Model charges

aiding commission of felony, **61:8**

causing death of victim, **61:11,**
61:12

interfering with governmental
function, **61:10**

KIDNAPPING—Cont'd

Model charges—Cont'd

physically or sexually abusing
victim, **61:7**

presumed death of victim, **61:13,**
61:14

second degree, **61:15, 61:16**

seeking ransom, **61:6**

terrorizing victim or third person,
61:9

Nature and definition, **61:1**

Unlawful restraint, **61:2**

LARCENY

Aggravated grand larceny of

automated teller machine, **62:13**

Anti-security device, **62:40**

Defenses

identity theft, **51:10**

misapplication of property, **62:37**

Encumbering property, **62:38**

First degree, **62:5, 62:6**

Fourth degree, **62:16, 62:21**

Identity Theft (this index)

Immigrant assistance services fraud,
62:33, 62:42

Loaning or encumbering property,
62:38

Misapplication of property, **62:35-**
62:39

Model charges

criminal possession of an anti-
security item, **62:41**

fourth degree, **62:16, 62:21**

misapplication of property, **62:38,**
62:39

telephone access devices, **62:21**

Nature and definition, **62:1-62:4**

Religious articles, **62:16**

Return of property, refusal of, **62:38**

Second degree, **62:7-62:11**

Telephone access devices, **62:21**

Third degree, **62:12**

LASERS

Directing at aircraft, **63:1, 63:2**

LEWDNESS

Generally, **64:1-64:6**

Exposing person, **64:3**

INDEX

LEWDNESS—Cont'd

- First degree, **64:2**
- Nature and definition of offense, **64:1**
- Offensive exhibition, **64:5**
- Promoting exposure of person, **64:4**
- Public lewdness, **64:6**
- Public lewdness in first degree, **64:2**

LIENS AND ENCUMBRANCES

- Larceny, **62:38**

LOAN

- Larceny, loan of property, **62:38**

LOITERING

- Model charge, **65:2, 65:4**
- Nature and definition of offense, **65:1**
- Public place, **65:3**

MARRIAGE

- Model charge, **66:2, 66:3**
- Nature and definition, **66:1**
- Procuring marriage license, **66:4**

MASS HARM

- Aggravated threat, **67:2**
- Threat, **67:1**

MENACING

- General discussion, **68:2-68:7**
- Model charges
 - second degree, **68:2-68:6**
 - third degree, **68:5**
- Police or peace officer, **68:7**
- Protection orders, violation of, **68:6**
- Second degree, **68:2-68:6**
- Stalking, **68:3**
- Third degree, **68:5**
- Weapons, display of, **68:2**

MISAPPLICATION OF PROPERTY

- Larceny, **62:35-62:39**

MISCHIEF

- Model charges, **69:2-69:7**
- Nature and definition, **69:1**

MODEL CHARGE

- Noxious material, **72:2**
- Nuisance, **73:2**
- Price gouging, **77:2**
- Prostitution, **80:2**

MODEL CHARGE—Cont'd

- Resisting arrest, **84:2**
- Simulation, **88:2**
- Slugs
 - first degree, **89:2**
 - second degree, **89:3**
- Solicitation
 - exemption, **90:7**
 - first degree, **90:2**
 - fourth degree, **90:3**
 - legal incapacity of person solicited, **90:5**
- Stolen property
 - possession, **92:2**
- Suicide, **94:2**
- Tampering
 - criminal tampering
 - first degree, **95:3**
 - second degree, **95:4**
 - third degree, **95:6**
 - public records
 - first degree, **95:10**
 - second degree, **95:12**

MODEL CHARGES

- Driving while intoxicated, **59:5-59:9**
- Impersonation, criminal sale of police uniform, **52:7**
- Incest, **53:2**
- Indictments, **54:2**
- Interfering with peace officer or firefighter
 - obstructing, **57:3**
 - refusing aid, **57:2**
- Intimidating victim or witness, **58:2**
- Intoxication, **59:2**
- Jostling
 - another form, **60:3**
 - pocket or handbag, **60:2**
- Kidnapping
 - aiding commission of felony, **61:8**
 - causing death of victim, **61:11, 61:12**
 - interfering with governmental function, **61:10**
 - physically or sexually abusing victim, **61:7**
 - presumed death of victim, **61:13, 61:14**

MODEL CHARGES—Cont'd

Kidnapping—Cont'd
 second degree, **61:15, 61:16**
 seeking ransom, **61:6**
 terrorizing victim or third person,
61:9

Menacing (this index)

Mischief, **69:2-69:7**

Refusal

chemical test, **59:11**

MONEY LAUNDERING

Definition, **71:1**

Nature, **71:1**

Terrorism

possession of biological or chemical weapon

first degree, **96:17**

fourth degree, **96:20**

second degree, **96:18**

third degree, **96:19**

NOXIOUS MATERIAL

Model charge, **72:2**

Possession, **72:1**

NUISANCE

Creating hazard

model charge, **73:4**

Definition, **73:1**

Model charge, **73:2, 73:3**

Nature, **73:1**

Unlawful premises

model charge, **73:3**

Unsafe and unhealthy condition

model charge, **73:2**

OBSCENITY

Affirmative defense, **74:6**

Commentary, **74:11**

Defense, **74:10**

Definition, **74:1**

First degree

model charge, **74:2**

Indecent material dissemination, **74:7**

Nature, **74:1**

Presumption, **74:9**

Presumptions, **74:5**

Second degree, **74:3**

model charge, **74:8**

OBSCENITY—Cont'd

Second degree, **74:3**—Cont'd

presumption, **74:9**

Third degree

model charge, **74:4**

OBSTRUCTING

ADMINISTRATION

Commentary, **75:3**

Definition, **75:1**

Emergency medical services, obstruction, **75:7**

Firefighting operations, obstruction,
75:6

Governmental duties, obstruction

bomb, **75:8**

destructive device, **75:8**

explosive, **75:8**

hazardous substance, **75:8**

Model charge, **75:2**

Nature, **75:1**

Self-defense spray, **75:4**

definition, **75:4**

model charge, **75:5**

nature, **75:4**

OFFICIAL MISCONDUCT

Generally, **70:5**

Model charge, **70:6, 70:7, 70:9,**
70:11

Reward, **70:8, 70:10**

PERJURY

Corroboration, **76:12**

model charge, **76:13**

Defenses, recantation

immateriality, **76:7**

incompetency, **76:7**

irregularity, **76:7**

model charge, **76:6**

Definition, **76:1**

First degree, **76:2**

model charge, **76:2**

Inconsistent statements

model charge, **76:5**

Nature, **76:1**

Punishable writing, **76:11**

Second degree

model charge, **76:3**

INDEX

PERJURY—Cont'd

- Sworn false statement, **76:8**
 - first degree, **76:9**
 - second degree, **76:10**
- Third degree
 - model charge, **76:4**

PERSONAL IDENTIFICATION INFORMATION

- Theft. **Identity Theft** (this index)

PERSONATION

- Impersonation** (this index)

POLICE OFFICERS

- Impersonation, criminal sale of police uniform, **52:6, 52:7**
- Menacing, **68:7**

POSSESSION

- Identity theft, possession of personal identification information unlawfully, **51:7-51:8**
- Noxious material, **72:1**

PRELIMINARIES

- Generally, **1:1-1:16**
- Another form, **1:5**
- Commentary, **1:9, 1:14**
- Court's preliminary instructions, **1:13**
- General questions, **1:8**
- Sequestration warning, **1:15**
- Sequestration warning, commentary, **1:16**
- Voir dire, generally, **1:3-1:12**

PRICE GOUGING

- Definition, **77:1**
- Model charge, **77:2**
- Nature, **77:1**

PRISON CONTRABAND

- First degree
 - model charge, **78:2**
- Promotion, definition, **78:1**
- Promotion, nature, **78:1**
- Second degree
 - model charge, **78:3**

PROFESSIONS

- Unauthorized practice, **79:1**

PROFESSIONS—Cont'd

- Unauthorized practice, medicine, **79:2**

PROSTITUTION

- Accomplice, **80:25**
- Affirmative defense, **80:3**
- Aggravated minor patronization
 - first degree, **80:13**
 - second degree, **80:14**
 - third degree, **80:15**
- Coerced, **80:30**
- Compelling, **80:30**
- Corroboration, **80:25**
 - model charge, **80:26**
- Definition, **80:1**
- Model charge, **80:2**
- Nature, **80:1**
- Patronizing, **80:5**
 - defense, **80:12**
 - degrees, **80:6 to 80:10**
 - school zone, **80:11**
- Permitting, model charge (premises), **80:27**
- Promoting prostitution, **80:16**
 - degrees, **80:17 to 80:23**
- School zone, **80:4**
- School zone solicitation, **80:24**
- Sex trafficking, **80:28**
- Sex trafficking, child, **80:29**

PROTECTION ORDERS

- Menacing, violation of protection orders, **68:6**

PUBLIC LEWDNESS

- Generally, **64:6**
- First degree, **64:2**
- Nature and definition of offense, **64:1**
- Offensive exhibition, **64:5**
- Promoting exposure of person, **64:4**

PUBLIC RECORDS

- Tampering
 - model charge
 - first degree, **95:10**
 - second degree, **95:12**

PUNISHABLE WRITING

- Perjury, **76:11**

PYROTECHNICS

Indoor Pyrotechnics (this index)

RADIO DEVICES

Commentary, **81:3**

Model charge, **81:2**

Unauthorized transmission, **81:4**

Wrongful possession, **81:1**

RECKLESS ENDANGERMENT

Definition, **82:1**

Degrees, model charge, **82:3 to 82:6**

First degree, **82:3**

General charge, **82:2**

Nature, **82:1**

REFUSAL

Larceny, refusing to return property,
62:38

Model charges
chemical test, **59:11**

RELIGION

Religious articles, larceny, **62:16**

RENT GOUGING

Commentary, **83:5**

Definition, **83:1**

Degrees, model charge, **83:2 to 83:4**

Nature, **83:1**

RESISTING ARREST

Commentary, **84:3**

Definition, **84:1**

Model charge, **84:2**

Nature, **84:1**

RETURN OF PROPERTY

Larceny, refusing to return property,
62:38

RIOT

Definition, **85:1**

Degree, first
model charge, **85:2**

Degree, second
model charge, **85:3**

Inciting, **85:4**
model charge, **85:5**

Nature, **85:1**

ROBBERY

Generally, **86:1-86:18**

Carjacking, **86:15-86:17**

Causing serious physical injury, **86:2-86:3**

Second degree, **86:8-86:14**

Third degree, **86:18**

Threatening to use dangerous instrument, **86:4-86:7**

SALE OR TRANSFER

Impersonation, criminal sale of police uniform, **52:6, 52:7**

SCHOOL ZONE SOLICITATION

Prostitution, **80:24**

SECOND DEGREE OFFENSES

Health care services, interference with, **56:2**

Identity theft, **51:4, 51:7**

Menacing, **68:2-68:6**

Religious worship, interference with,
56:2

SEX OFFENSES

Generally, **87:1-87:45**

Corroboration, **87:2-87:6**

Predatory sexual assault, **87:43-87:45**

Rape, **87:7-87:13**

Sexual abuse, **87:14-87:29**

Sexual misconduct, **87:30-87:33**

Sexual performance by child, **87:34-87:42**

SEX TRAFFICKING

Child, prostitution, **80:29**

Prostitution, **80:28**

SHIPS AND SHIPPING

Driving while intoxicated, **59:9**

SIMULATION

Commentary, **88:3**

Model charge, **88:2**

Nature and definition of offense, **88:1**

SKIMMER DEVICE

Identity theft, **51:9**

SLUGS

Generally, **89:1-89:3**

INDEX

SLUGS—Cont'd

- Model charge
 - first degree, **89:2**
 - second degree, **89:3**

SNOWMOBILES

- Driving while intoxicated, **59:8**

SOLICITATION

- Generally, **90:1-90:7**
- Exemption
 - generally, **90:6**
 - model charge, **90:7**
- Legal incapacity
 - generally, **90:4**
 - model charge, of person solicited, **90:5**
- Model charge
 - exemption, **90:7**
 - first degree, **90:2**
 - fourth degree, **90:3**
 - legal incapacity of person solicited, **90:5**
- Nature and definition of offense, **90:1**

STALKING

- Nature and definition of offense, **91:1**

STOLEN PROPERTY

- Generally, **92:1-92:18**
- Corroboration, **92:13**
- Defense, **92:12**
 - misapplication of property, **92:17**
- Fostering sale of stolen goods, **92:18**
- Misapplication of property, **92:15**
- Model charge
 - generally, **92:14**
 - fifth degree, **92:11**
 - first degree, **92:4, 92:5**
 - fourth degree
 - generally, **92:7-92:10**
 - commentary, **92:9**
 - credit card, **92:8**
 - firearms, **92:10**
 - misapplication of property, **92:16**
 - second degree, with presumption, **92:6**
- Possession
 - generally, **92:1**
 - model charge, **92:2**

STOLEN PROPERTY—Cont'd

- Presumptions, **92:3**

STRANGULATION

- Generally, **93:1-93:3**
- Crime, **93:2**
- Criminal obstruction, breathing or blood circulation, **93:1**
- Medical or dental purpose defense, **93:3**

SUICIDE

- Definitions, **94:1**
- Model charge, **94:2**
- Promotion, **94:1**

SWORN FALSE STATEMENT

- Perjury, **76:8**

TAMPERING

- Generally, **95:1-95:17**
- Animal research
 - generally, **95:15-95:17**
 - definitions, **95:15**
 - model charge
 - damaging scientific material, **95:17**
 - releasing infected animal, **95:16**
- Consumer products
 - definition, **95:13**
- Criminal tampering
 - generally, **95:1-95:7**
 - definitions, **95:1**
 - first degree
 - generally, **95:2**
 - model charge
 - first degree, **95:3, 95:14**
 - second degree, **95:4**
 - third degree, **95:6**
 - public records
 - generally, **95:8-95:12**
 - definitions, **95:8**
 - second degree
 - generally, **95:5**
 - third degree
 - generally, **95:7**
- Public records
 - first degree
 - generally, **95:9**

TAMPERING—Cont'd

- Public records—Cont'd
 - model charge
 - first degree, **95:10**
 - second degree, **95:12**
 - second degree
 - generally, **95:11**

TELECOMMUNICATIONS

- Telephone access devices, larceny, **62:21**

TELEPHONE ACCESS DEVICES

- Larceny, **62:21**

TERRORISM

- Generally, **96:1-96:20**
- Crime of terrorism, **96:2**
- Hindering prosecution, **96:5**
- Nature and definition of offenses, **96:1**
- Possession of biological or chemical weapon
 - generally, **96:6**
 - criminal possession
 - definitions, **96:8**
 - first degree, **96:9**
 - second degree, **96:10**
 - third degree, **96:11**
 - criminal use
 - definitions, **96:6**
 - first degree, **96:13**
 - second degree, **96:14**
 - third degree, **96:15**
 - limitations, **96:7**
 - money laundering
 - first degree, **96:17**
 - fourth degree, **96:20**
 - second degree, **96:18**
 - third degree, **96:19**
- Soliciting or providing support, **96:4**
- Terroristic threats, **96:3**

THEFT

- Generally, **97:1-97:20**
- Barber and beauty salons, **97:20**
- Credit card
 - generally, **97:2**
 - model charge, stolen, **97:3**
 - unlawful use, **97:4**

THEFT—Cont'd

- Definitions, **97:1**
- Failing to pay restaurant or hotel, **97:5**
- Labor, equipment or facilities
 - model charge, **97:19**
- Model charge
 - failing to pay restaurant or hotel, **97:6**
 - failure or refusal to pay, **97:7**
 - misrepresentation, **97:9**
 - public transportation, **97:11**
 - stealth, **97:8**
 - stolen credit card, **97:3**
 - unlawful use credit card, **97:4**
- Public transportation
 - generally, **97:10**
 - model charge, **97:11**
- Tampering with meter
 - generally, **97:16**
 - model charge, **97:17**
- Telecommunication, **97:12**
- Telephone access device
 - generally, **97:13**
 - model charge, **97:14**
- telecommunications services, **97:15**

THIRD DEGREE OFFENSES

- Identity theft, **51:5, 51:8**
- Larceny, **62:12**
- Menacing, **68:5**

TRADEMARK COUNTERFEITING

- First degree, Model charge, **98:2**
- Nature and definition of offense, **98:1**
- Second degree, Model charge, **98:3**
- Third degree, Model charge, **98:4**

TRESPASS

- First degree, **100:1-100:5**
 - Model charge, armed participant, **100:5**
 - Model charge, armed with explosive or deadly weapon, **100:3**
 - Model charge, armed with firearm, **100:4**
- Nature and definition of offense, **100:1**

INDEX

TRESPASS—Cont'd

- Second degree
 - generally, **100:6**
 - Model charge, **100:7**
- Simple trespass, **100:12**
 - Model charge, **100:13**
- Third degree
 - generally, **100:8-100:11**
 - Model charge, **100:9**
 - Model charge, Public housing project, **100:10**
 - Another form, **100:11**

UNAUTHORIZED PRACTICE

- Medicine, **79:2**
- Professions, **79:1**

UNAUTHORIZED RECORDINGS

- Generally, **101:1-101:18**
- Advertising or selling, **101:9**
 - First degree, Model charge, **101:10**
 - second degree, Model charge, **101:11**
- Failure to disclose origin, **101:12**
 - First degree, Model charge, **101:13**
 - second degree, Model charge, **101:14**
- First degree, Model charge, **101:3**
- Manufacturing, **101:2**
- Model charge (transporting), **101:5**
- Nature and definition of offense, **101:1**
- Operating recording device in movie theater
 - model charger, **101:16**
- Recording performances, **101:6**
 - First degree, Model charge, **101:7**
 - Second, Model charge, **101:8**
- Second degree, Model charge, **101:4**
- Unlawful operation of a recording device, first degree
 - motion picture or live theater, **101:18**
- Unlawful operation of a recording device, second degree
 - motion picture or live theater, **101:17**

UNAUTHORIZED RECORDINGS—Cont'd

- Unlawful operation of a recording device, third degree
 - motion picture or live theater, **101:15**

UNAUTHORIZED SALE OF TRANSPORTATION SERVICES

- Defenses, **102:2**
- Nature and definition of offense, **102:1**

UNAUTHORIZED TRANSMISSION

- Radio devices, **81:4**

UNAUTHORIZED USE OF VEHICLE

- First degree, **103:2**
- Nature and definition of offense, **103:1**
- Second degree, **103:3**
- Third degree, **103:4**
 - Deviating from agreement, Model charge, **103:7**
 - Failing to return on time, Model charge, **103:8**
 - Taking without consent, Model charge, **103:5**
 - Taking without consent, Model charge, another form, **103:6**

UNIFORMS

- Impersonation, criminal sale of police uniform, **52:6, 52:7**

UNLAWFUL ASSEMBLY

- Commentary, **104:3**
- Model charge, **104:2**
- Nature and definition of offense, **104:1**

UNLAWFUL COLLECTION PRACTICES

- Generally, **22:1**
- Commentary, **22:3**
- Model charge, **22:2**

UNLAWFUL IMPRISONMENT

- Defenses, **105:4**

**UNLAWFUL IMPRISONMENT
—Cont'd**

Degrees, **105:2**
Model charge, **105:3**
Nature and definition of offense,
105:1

**UNLAWFUL SURREPTITIOUS
SURVEILLANCE**

Dissemination of unlawful surveil-
lance image, **106:3**
Nature and definition of offense,
106:1
Unlawful dissemination of a personal
image, **106:5**
Unlawful dissemination or publica-
tion of intimate image, **106:4**
Unlawful surveillance, **106:2**

USURY

First degree
Model charge, **107:2**
Nature and definition of offense,
107:1
Possession of usurious loan records,
107:5
Model charge, **107:6**
Second degree, **107:4**

VESSELS

Driving while intoxicated, **59:9**

VOIR DIRE

Commentary, **1:6, 1:8**
Preliminaries, **1:3**
Statement to whole panel, **1:4**
Sidebar discussion, **1:7**

WEAPONS

Generally, **108:1-108:76**
Ammunition feeding device, Large
capacity, **108:26**
containing rounds, **108:27**
Bulletproof vests, **108:75**
Criminal manufacture, sale, or
transport of undetectable
firearm, rifle or shotgun, **108:39**
Criminal possession of a firearm, rifle
or shotgun in a sensitive loca-
tion, **108:30**

WEAPONS—Cont'd

Criminal possession of a rapid-fire
modification device, **108:28**
Criminal possession of a weapon in a
restricted location, **108:29**
Criminal possession of an undetect-
able firearm, rifle or shotgun,
108:25
Criminal purchase of a
semiautomatic rifle, **108:72**
Criminal sale of a ghost gun in
second degree, **108:69**
Criminal sale of a ghost gun in the
first degree, **108:68**
Criminal sale of a semiautomatic
rifle, **108:70**
Defacing, Model charge, **108:38**
Disposing, Model charge, **108:37**
Exemptions, **108:51**
Fireworks, **108:74**
Intent to sell, **108:50**
Manufacturing, Model charge,
108:35
Manufacturing, transporting, dispos-
ing, **108:34**
Minor, **108:31**
Nature and definition of offense,
108:1
Possessing
generally, **108:3-108:24**
Alien, Model charge, **108:21**
Another charge, Model charge,
108:19
Assault rifle, **108:24**
At school, Model charge, **108:18**
Defaced firearm, **108:10**
Explosive bullet, **108:23**
First degree, model charge, **108:3**
Fourth degree, **108:13**
Fourth degree, Model charge
(firearm), **108:14**
Incompetent, Model charge,
108:22
Intending to use on another, Model
charge, **108:17**
Loaded firearm, Model charge,
108:11
Model charge (billy), **108:16**

INDEX

WEAPONS—Cont'd

- Possessing—Cont'd
 - Per se weapons, Model charge, **108:15**
 - Prior felony conviction, Model charge, **108:20**
 - Second degree, model charge, **108:4**
 - Commentary, **108:5**
 - Third degree, **108:6**
 - Third degree, Commentary, **108:9**
 - Third degree, Explosive, bomb, silencer or machine gun, **108:8**
 - Third degree, Prior conviction, **108:7**
 - Twenty firearms or prior felony conviction, Model charge, **108:12**
- Possession of unlicensed firearm, **108:33**
- Possession on school grounds, **108:32**
- Presumptions, **108:42**
 - Automobile, Model charge, **108:46**
 - Automobile, Model charge, Commentary, **108:47**
 - Defaced firearm, **108:49**
 - Explosives and weapons, **108:48**
 - Machine gun, **108:43**
 - Stolen vehicle, Model charge, **108:44**
 - Stolen vehicle, Model charge, Commentary, **108:45**
- Purchase or disposal, **108:71**
- Reporting wounds, **108:73**
- Selling, **108:59**
 - generally, **108:59-108:66**
 - Aided by minor, **108:65**
 - First degree, **108:60**
 - second degree, **108:61**
 - second degree, Model charge, **108:62**
 - Third degree, **108:63**
 - Third degree, Model charge, **108:64**
 - to minor, **108:66**
- Storage offenses, First degree, **108:41**

WEAPONS—Cont'd

- Storage offenses, Second degree, **108:40**
- Transporting, Model charge, **108:36**
- Unlawful sale of a non microstamping enabled firearm, **108:67**
- Unlawful wearing of a body vest, Model charge, **108:76**
- Using
 - generally, **108:52-108:58**
 - First degree, **108:53**
 - First degree, Model charge, **108:54**
 - Prohibited use, **108:57**
 - Prohibited use, Model charge, **108:58**
 - second degree, **108:55**
 - Second degree, Model charge, **108:56**

WEAPONS AND FIREARMS

- Menacing, **68:2**

WILLS

- Commentary, **109:3**
- Concealing, **109:1**
- Model charge, **109:2**

WIRETAPPING AND EAVESDROPPING

- Divulging warrant, **110:8**
- Eavesdropping, **110:2**
- Failing to report criminal communications, **110:14**
- Failing to report wiretapping, **110:6**
- Model charge
 - Divulging warrant, **110:9**
 - Eavesdropping, **110:3**
 - Failing to report criminal communications, **110:15**
 - Failing to report wiretapping, **110:7**
- Obtaining communications information, **110:13**
- Possessing eavesdropping devices, **110:5**
- Tampering with communications, **110:11**
- Nature and definition of offense, **110:1**

JURY CHARGES IN CRIMINAL CASES

WIRETAPPING AND

EAVESDROPPING—Cont'd

Obtaining communications information, **110:12**

Possessing eavesdropping devices, **110:4**

Tampering with communications, **110:10**

WITNESSES

Generally, **6:1-6:39**

Children, **6:3-6:5**

Defendant as interested party, **6:6-6:11**

Experts, **6:12-6:13**

Hearsay limiting instructions, **6:14**

Hypnotized witnesses, **6:15**

Interested, **6:16-6:17**

WITNESSES—Cont'd

Missing witness inference, **6:18-6:19**

Police officers and other officials, **6:20-6:21**

Prior consistent statements, **6:30**

Prior convictions or immoral acts, **6:22-6:27**

Prior inconsistent statements, **6:28-6:29**

Privilege asserted by witness, **6:31-6:32**

Questions by jury, **6:2**

Unavailable witness, **6:33-6:34**

Unsworn, **6:35-6:37**

Wilfully giving false testimony, **6:38-6:39**

WRONGFUL POSSESSION

Radio devices, **81:1**