

TABLE OF INSTRUCTIONS

Volume 1

PART 1 GENERAL INSTRUCTIONS

A. INTRODUCTORY INSTRUCTIONS

Inst. No.

- CALJIC 0.50 Pre-trial Admonition
CALJIC 1.00 Respective Duties of Judge and Jury
CALJIC 1.01 Instructions to be Considered as a Whole
CALJIC 1.02 Statements of Counsel—Evidence Stricken Out—Insinuations of Questions—Stipulated Facts
CALJIC 1.03 Juror Forbidden to Make Any Independent Investigation
CALJIC 1.04 Defendant Physically Restrained—Cautionary Instruction
CALJIC 1.05 Juror’s Use of Notes
CALJIC 1.06 Identification of Parties and Crimes Charged
CALJIC 1.08 Sign Language or CART Interpreter in Jury Room
CALJIC 1.09 Support Dog in Courtroom
CALJIC 1.10 Disabled Witness’s/Child’s Testimony by Closed Circuit Television

B. INSTRUCTION TERMINOLOGY

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

C. DEFINITIONS

- CALJIC 1.20 “Willfully”—Defined
CALJIC 1.21 “Knowingly”—Defined
CALJIC 1.22 “Malice” and “Maliciously”—Defined
CALJIC 1.23 “Consent”—Defined
CALJIC 1.23.1 “Consent”—Defined in Rape, Sodomy, Unlawful Penetration and Oral Copulation
CALJIC 1.23.2 “Prevented From Resisting”—Defined in Rape, Sodomy, forcible Penetration and Oral Copulation
CALJIC 1.24 “Possession”—Defined
CALJIC 1.25 “Minor”—Defined
CALJIC 1.26 “Peace Officer”—Defined
CALJIC 1.27 “Firefighter”—Defined
CALJIC 1.28 “Driver/Driving”—Defined

D. MISCELLANEOUS INSTRUCTIONS

- CALJIC 1.40 Parent’s Duty to Protect Child
CALJIC 1.41 Parent’s Duty to Provide Child With Necessities of Life

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.

PART 2 EVIDENCE AND GUIDES FOR ITS CONSIDERATION

A. GENERAL RULES

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

B. EVALUATION OF EVIDENCE

(a) Witnesses Generally

CALJIC 2.20	Believability of Witness
CALJIC 2.20.1	Evaluation of Testimony of Child Ten Years of Age or Younger
CALJIC 2.20.2	Evaluation of Developmentally Disabled or Impaired Witness
CALJIC 2.21.1	Discrepancies in Testimony
CALJIC 2.21.2	Witness Willfully False
CALJIC 2.22	Weighing Conflicting Testimony
CALJIC 2.23	Believability of Witness—Conviction of a Felony
CALJIC 2.23.1	Believability of a Witness—Commission of Misdemeanor
CALJIC 2.24	Believability of Witness—Evidence of Character for Honesty or Truthfulness
CALJIC 2.25	Refusal of Witness to Testify—Exercise of Privilege Against Self-Incrimination
CALJIC 2.26	Refusal of Witness to Testify—Exercise of Privilege Other Than Self-Incrimination
CALJIC 2.27	Sufficiency of Testimony of One Witness
CALJIC 2.28	Failure to Timely Disclose Evidence
CALJIC 2.29	Witness in Custody/In Restraints—Cautionary Instructions

(b) Character Evidence

CALJIC 2.40	Traits of Character of Defendant
CALJIC 2.42	Cross-Examination of a Character Witness

(c) Other Evidence

CALJIC 2.50	Evidence of Other Crimes
-------------	--------------------------

TABLE OF INSTRUCTIONS

Inst. No.

CALJIC 2.50.01	Evidence of Other Sexual Offenses
CALJIC 2.50.02	Evidence of Other Domestic Violence
CALJIC 2.50.03	Evidence of Other Elder Abuse Offenses
CALJIC 2.50.04	Evidence Of Other Child Abuse Offenses
CALJIC 2.50.1	Evidence of Other Crimes by the Defendant Proved by a Preponderance of the Evidence
CALJIC 2.50.2	Definition of Preponderance of the Evidence
CALJIC 2.51	Motive
CALJIC 2.52	Flight After Crime

(d) Self-Incrimination Privilege

CALJIC 2.60	Defendant Not Testifying—No Inference of Guilt May Be Drawn
CALJIC 2.61	Defendant May Rely on State of Evidence
CALJIC 2.62	Defendant Testifying—When Adverse Inference May Be Drawn

C. ADMISSIONS AND CONFESSIONS

CALJIC 2.70	Confession and Admission—Defined
CALJIC 2.71	Admission—Defined
CALJIC 2.71.5	Adoptive Admission—Silence, False or Evasive Reply to Accusation
CALJIC 2.71.7	Pre-Offense Statement by Defendant
CALJIC 2.72	Corpus Delicti Must Be Proved Independent of Admission or Confession

D. EXPERT TESTIMONY

CALJIC 2.80	Expert Testimony—Qualifications of Expert
CALJIC 2.81	Opinion Testimony of Lay Witness
CALJIC 2.82	Hypothetical Questions
CALJIC 2.83	Resolution of Conflicting Expert Testimony

E. PRESUMPTION OF INNOCENCE AND BURDEN OF PROOF

CALJIC 2.90	Presumption of Innocence—Reasonable Doubt—Burden of Proof
CALJIC 2.91	Burden of Proving Identity Based Solely on Eyewitnesses
CALJIC 2.92	Factors to Consider in Proving Identity by Eyewitness Testimony

PART 3 CULPABILITY FOR CRIME

A. PRINCIPALS

CALJIC 3.00	Principals—Defined
CALJIC 3.01	Aiding and Abetting—Defined
CALJIC 3.02	Principals—Liability for Natural and Probable Consequences
CALJIC 3.03	Termination of Liability of Aider and Abettor
CALJIC 3.04	Compelling Another to Commit Crime

B. ACCOMPLICES

CALJIC 3.10	Accomplice—Defined
CALJIC 3.11	Testimony of Accomplice or Codefendant Must Be Corroborated
CALJIC 3.12	Sufficiency of Evidence to Corroborate an Accomplice
CALJIC 3.13	One Accomplice May Not Corroborate Another
CALJIC 3.14	Criminal Intent Necessary to Make One an Accomplice

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.

- CALJIC 3.15 Concerning Feigned or Pretended Accomplice
CALJIC 3.16 Witness Accomplice as Matter of Law
CALJIC 3.17 Accomplice—Person Under 14 Years of Age
CALJIC 3.18 Testimony of Accomplice or Codefendant to be Viewed With Care and Caution
CALJIC 3.19 Burden to Prove Corroborating Witness Is an Accomplice
CALJIC 3.20 Cautionary Instruction—In-Custody Informant

C. CORPORATIONS

- CALJIC 3.25 Corporation Is a Person
CALJIC 3.26 Corporation Officers and Agents

D. CRIMINAL INTENT

- CALJIC 3.30 Concurrence of Act and General Criminal Intent
CALJIC 3.31 Concurrence of Act and Specific Intent
CALJIC 3.31.5 Mental State
CALJIC 3.32 Evidence of Mental Disease—Received for Limited Purpose
CALJIC 3.33 Act Alone—No Intent Involved

E. CRIMINAL NEGLIGENCE

- CALJIC 3.35 Concurrence of Act and Criminal Negligence
CALJIC 3.36 Criminal or Gross Negligence—Defined
CALJIC 3.37 Impaired Physical Faculties—Amount of Caution

F. CAUSATION

- CALJIC 3.40 Cause—“But for” Test
CALJIC 3.41 More Than One Cause/Concurrent Cause

PART 4 EXEMPTIONS AND DEFENSES

A. INSANITY

(a) Defense of Sanity

- CALJIC 4.00 The Defense of Insanity
CALJIC 4.01 Effect of Verdict of Not Guilty by Reason of Insanity
CALJIC 4.02 Insanity Resulting From Intoxication, Drugs or Narcotics
CALJIC 4.03 Temporary Insanity
CALJIC 4.04 Insanity—Lucid Intervals
CALJIC 4.05 Insanity—“Irresistible Impulse”
CALJIC 4.06 Insanity—Insane Delusion as Defense

(b) Doubt of Present Mental Competence

- CALJIC 4.10 Doubt of Present Mental Competence

(c) Proceedings After Commitment

- CALJIC 4.15 Restoration of Sanity
CALJIC 4.16 Concluding Instruction—Restoration of Sanity
CALJIC 4.17 Proceedings to Extend Commitment

TABLE OF INSTRUCTIONS

Inst. No.

- CALJIC 4.17.1 Defense of Medication
- CALJIC 4.18 Commitment of Youth Authority for Further Detention
- CALJIC 4.19 Commitment As Sexually Violent Predator

B. INTOXICATION

- CALJIC 4.20 Voluntary Intoxication—Not a Defense to General Intent Crimes
- CALJIC 4.21 Voluntary Intoxication—When Relevant to Specific Intent
- CALJIC 4.21.1 Voluntary Intoxication—Trial With General and Specific Intent Crimes
- CALJIC 4.21.2 Voluntary Intoxication—Aider and Abettor
- CALJIC 4.22 Voluntary Intoxication—Consideration
- CALJIC 4.23 Involuntary Intoxication—Consideration

C. UNCONSCIOUSNESS

- CALJIC 4.30 Unconscious Act—Defined—Burden of Proof
- CALJIC 4.31 Presumption of Consciousness

D. MISTAKE

- CALJIC 4.35 Ignorance or Mistake of Fact
- CALJIC 4.36 Ignorance or Mistake of Law
- CALJIC 4.36.1 Ignorance or Mistake of Law—When a Defense

E. DURESS; NECESSITY

- CALJIC 4.40 Duress—Threats and Menaces
- CALJIC 4.42 Coercion of Human Trafficking Victim
- CALJIC 4.43 Defense of Necessity—General
- CALJIC 4.44 Defense of Necessity—Escape From Prison

F. ACCIDENT AND MISFORTUNE

- CALJIC 4.45 Accident and Misfortune
- CALJIC 4.47 Defense of Mental Incapacity

G. ALIBI

- CALJIC 4.50 Alibi
- CALJIC 4.51 Alibi—Aider and Abettor or Co-Conspirator

H. ENTRAPMENT

- CALJIC 4.60 Entrapment—When a Defense—Burden of Proof
- CALJIC 4.61 Entrapment—Objective Test—Guidance
- CALJIC 4.61.5 Entrapment—Permissible and Impermissible Conduct
- CALJIC 4.62 When Acts of Detective May Not Be Imputed to Accused

I. LIMITATION OF ACTION

- CALJIC 4.70 Limitation of Action
- CALJIC 4.71 Proof Need Not Show Exact Time of Crime
- CALJIC 4.71.5 When Proof Must Show Specific Act or Acts Within Time Alleged
- CALJIC 4.72 Time Factor When Particular Time Elected
- CALJIC 4.73 Time Defendant Out of State

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.

CALJIC 4.74 Limitation of Action—Fraud, Theft, Breach of Fiduciary Duty, Official Misconduct

J. PARENT’S RIGHT TO DISCIPLINE CHILD

CALJIC 4.80 Parent’s Right to Discipline Child

PART 5 GENERAL PRINCIPLES OF JUSTIFICATION

A. EXCUSABLE HOMICIDE

CALJIC 5.00 Excusable Homicide—Lawful Act

CALJIC 5.01 Excusable Homicide—Heat of Passion

B. JUSTIFIABLE HOMICIDE

(a) In Defense of Self, Others or Property

CALJIC 5.10 Resisting Attempt to Commit Felony

CALJIC 5.12 Justifiable Homicide in Self-Defense

CALJIC 5.13 Justifiable Homicide—Lawful Defense of Self or Another

CALJIC 5.14 Homicide in Defense of Another

CALJIC 5.15 Charge of Murder—Burden of Proof re Justification or Excuse

CALJIC 5.16 Forcible and Atrocious Crime—Defined

CALJIC 5.17 Actual But Unreasonable Belief in Necessity to Defend—Manslaughter

(b) Other Justifiable Homicide

CALJIC 5.25 Lawful Arrest or Keeping the Peace

CALJIC 5.26 Justifiable Homicide—By Public Officers

C. NON-HOMICIDAL DEFENSE OF SELF OR OTHER

CALJIC 5.30 Self-Defense Against Assault

CALJIC 5.31 Assault With Fists—When Use of Deadly Weapon Not Justified

CALJIC 5.32 Use of Force in Defense of Another

D. PERMISSIBLE FORCE IN DEFENSE OF PROPERTY

CALJIC 5.40 Defense of Property—Ejection of Trespasser

CALJIC 5.42 Resisting an Intruder Upon One’s Property

CALJIC 5.43 Force That May Be Used in Defense of Property

CALJIC 5.44 Presumption of Fear of Death/Great Bodily Injury

E. GENERAL PRINCIPLES CONCERNING SELF-DEFENSE

CALJIC 5.50 Self-Defense—Assailed Person Need Not Retreat

CALJIC 5.50.1 Prior Threats/Assaults by Victim

CALJIC 5.51 Self-Defense—Actual Danger Not Necessary

CALJIC 5.52 Self-Defense—When Danger Ceases

CALJIC 5.53 Self-Defense/Imperfect Self-Defense—Not an Excuse After Adversary Disabled

CALJIC 5.54 Self-Defense by an Aggressor

CALJIC 5.55 Plea of Self-Defense May Not Be Contrived

CALJIC 5.56 Self-Defense—Participants in Mutual Combat

CALJIC 5.57 Transferred Self-Defense

TABLE OF INSTRUCTIONS

Inst. No.

PART 6 ANTICIPATORY AND ACCESSORIAL CRIMES

A. ATTEMPTS

- CALJIC 6.00 Attempt—Defined
CALJIC 6.01 Abandonment of Attempt—When Not a Defense
CALJIC 6.02 Abandonment of Attempt—When a Defense

B. CONSPIRACY

- CALJIC 6.10 Conspiracy and Overt Act—Defined
CALJIC 6.10.5 Conspiracy and Overt Act—Defined—Not Pleaded as a Crime Charged
CALJIC 6.11 Conspiracy—Joint Responsibility
CALJIC 6.12 Conspiracy—Proof of Express Agreement Not Necessary
CALJIC 6.13 Association Alone Does Not Prove Membership in Conspiracy
CALJIC 6.14 Acquaintance With All Co-Conspirators Not Necessary
CALJIC 6.16 When Conspirators Not Liable for Act or Declaration of Co-Conspirator
CALJIC 6.17 Conspirators Not Bound by Act or Declaration of Non-Conspirator
CALJIC 6.18 Commission of Act in Furtherance of a Conspiracy Does Not Itself Prove Membership in Conspiracy
CALJIC 6.19 Joining Conspiracy After Its Formation
CALJIC 6.20 Withdrawal From Conspiracy
CALJIC 6.21 Liability for Acts Committed After Termination of Conspiracy
CALJIC 6.22 Conspiracy—Case Must Be Considered as to Each Defendant
CALJIC 6.23 Conspiracies and Substantive Crimes Charged and Overt Acts Alleged
CALJIC 6.24 Determination of Admissibility of Co-Conspirator's Statements
CALJIC 6.25 Direction for Finding of Objects of Conspiracy
CALJIC 6.26 Jury Finding—Objects of Conspiracy

C. SOLICITATION

- CALJIC 6.35 Solicitation
CALJIC 6.36 Solicitation of a Minor

D. ACCESSORIES

- CALJIC 6.40 Accessories

E. GANG CRIME

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

PART 7 CRIMES AGAINST THE ADMINISTRATION OF GOVERNMENT

A. BRIBERY

- CALJIC 7.00 Bribery of an Executive Officer
CALJIC 7.00.5 "Corruptly"—Defined

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.

- CALJIC 7.01 Bribery of a Ministerial Officer
- CALJIC 7.02 Asking or Receiving Bribe by Public Official
- CALJIC 7.02.01 Offerer/Payor of Bribe as Aider and Abettor of the Receipt of the Same Bribe
- CALJIC 7.02.1 Bribing of/Offering Bribe to Legislative Officer
- CALJIC 7.03 Bribery of/Offering Bribe to/A Witness
- CALJIC 7.03.1 Use of Force or Threat of Force in Attempt to Induce False Testimony
- CALJIC 7.03.2 Use of Fraud to Induce False Testimony
- CALJIC 7.03.3 Witness/About to Be Called as Witness—Defined
- CALJIC 7.04 Intent of Briber
- CALJIC 7.05 Bribe—Defined
- CALJIC 7.06 What Constitutes Giving a Bribe
- CALJIC 7.07 What Constitutes Offering a Bribe
- CALJIC 7.08 What Constitutes Asking or Agreeing to Receive a Bribe
- CALJIC 7.09 What Constitutes Agreeing to Receive a Bribe
- CALJIC 7.10 Scope of Official Capacity Necessary to Constitute Bribery
- CALJIC 7.11 Failure to Perform Purpose of Bribe Not a Defense
- CALJIC 7.12 Offering Bribe to Witness
- CALJIC 7.13 Receipt of Bribe by Witness
- CALJIC 7.14 Dissuading or Intimidating Witness
- CALJIC 7.15 Intimidation of Witness by Force or Fear—Furtherance of Conspiracy
- CALJIC 7.16 Malice/Victim—Defined
- CALJIC 7.17 Threatening Witnesses, Victims, Informants
- CALJIC 7.18 Peace Officer Planting or Manufacturing Evidence
- CALJIC 7.18.1 —Crimes on or after January 1, 2017
- CALJIC 7.18.2 Prosecuting Attorney/Evidence Tampering

A-1. OTHER CRIMES AGAINST PUBLIC JUSTICE

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

B. PERJURY

- CALJIC 7.20 Perjury Under “Oath”—Defined
- CALJIC 7.21 Perjury Under “Penalty of Perjury”—Defined
- CALJIC 7.21.1 Perjury by Affidavit
- CALJIC 7.22 Perjury—Statements Made in Absence of Knowledge
- CALJIC 7.23 Perjury—Proof Necessary
- CALJIC 7.24 Perjury—Willfulness and Knowledge Required
- CALJIC 7.25 All Charges of Perjury Need Not Be Proved

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

- CALJIC 7.26 Officer Fails to Pay as Prescribed by Law
- CALJIC 7.26.1 Embezzlement and Falsification of Accounts by Public Officers—Misappropriation
- CALJIC 7.26.2 Embezzlement and Falsification of Accounts by Public Officers—Illegal Loans

TABLE OF INSTRUCTIONS

Inst. No.

- CALJIC 7.26.3 Embezzlement and Falsification of Accounts by Public Officers—False Accounts
- CALJIC 7.26.4 Embezzlement and Falsification of Accounts by Public Officers—Fraud
- CALJIC 7.26.5 Embezzlement and Falsification of Accounts by Public Officers—Refusal to Pay
- CALJIC 7.26.6 Embezzlement and Falsification of Accounts by Public Officers—Omits to Transfer
- CALJIC 7.26.7 Embezzlement and Falsification of Accounts by Public Officers—Omits to Pay
- CALJIC 7.27 Offering False Documents in Evidence
- CALJIC 7.27.1 Preparing False Documents for Fraudulent or Deceitful Purpose

C. CRIMES BY PRISONERS

- CALJIC 7.30 Escape Without Force or Violence—Defined
- CALJIC 7.30.1 Parolee as Prisoner—Lawful Custody Defined
- CALJIC 7.31 Escape by Force or Violence—Defined
- CALJIC 7.32 Escape Following Remand or Arrest by Force or Violence
- CALJIC 7.33 Incitement to Riot in Prison/Jail
- CALJIC 7.34.01 Bringing or Sending Firearms, Deadly Weapons or Explosives into Prison/Jail/etc.
- CALJIC 7.34.02 Jail Prisoner in Possession of Firearm, Deadly Weapon or Explosive
- CALJIC 7.34.03 Unauthorized Possession of Controlled Substance by Inmate
- CALJIC 7.34.04 Unauthorized Possession of Drugs or Alcoholic Beverages in Prison
- CALJIC 7.34.05 Person Not in Custody Selling Controlled Substance to Person in Custody
- CALJIC 7.34.06 Bringing or Sending Illegal Controlled Substance Into Prison/Jail/Etc.
- 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
- CALJIC 7.36 Assault by Prisoner With a Deadly Weapon or By Means of Force Likely to Produce Great Bodily Injury
- CALJIC 7.36.1 Confined in Prison—Defined
- CALJIC 7.37 Battery by State Prisoner on Non-Confined Person
- CALJIC 7.37.1 Aggravated Battery by Prisoner
- CALJIC 7.38 Possession or Manufacture of Weapon in Penal Institution
- CALJIC 7.39 Holding of a Hostage

D. OTHER CRIMES AGAINST THE EXECUTIVE POWER

- CALJIC 7.40 Threatening Certain Official
- CALJIC 7.50 Obstructing/Resisting Executive Officers
- CALJIC 7.51 Taking a Person from Lawful Custody

E. TAX CRIMES

- CALJIC 7.61 Willfully Making or Signing False Tax Return
- CALJIC 7.62 Willfully Aiding or Assisting in the Preparation or Presentation of a False Tax Return
- CALJIC 7.64 Concealing Property With Intent to Evade Taxes
- CALJIC 7.66 Willful Failure to File Tax Return or Supply Information
- CALJIC 7.67 Willfully Making or Signing a False Tax Return
- CALJIC 7.68 Willful Failure to Account for and Pay Over Withheld Taxes
- CALJIC 7.71 Signature as Prima Facie Evidence of Subscription
- CALJIC 7.72 Certificate by Franchise Tax Board as Prima Facie Evidence
- CALJIC 7.73 Consideration of Failure to File Tax Returns in Prior Years
- CALJIC 7.76 Unreported Income—Exact Amount Need Not Be Shown
- CALJIC 7.78 No Deduction Allowed for Illegal Activities

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.

- CALJIC 7.79 Unreported or Underreported Income Need Not Have Been Generated by Illegal Means
- CALJIC 7.80 Corporation—Persons Responsible
- CALJIC 7.82 “Electronic Technology”—Defined
- CALJIC 7.90 Income Tax Evasion—“Net Worth” Method
- CALJIC 7.91 “Bank Deposits” Method Of Determining Income—Explained
- CALJIC 7.92 “Cash Expenditures” Method Of Determining Income—Explained
- CALJIC 7.93 “Net Worth” Method of Determining Income—Explained
- CALJIC 7.94 “Specific Items” Method of Determining Income
- CALJIC 7.96 Defense of Reliance on Advice

PART 8 CRIMES AGAINST LIFE

A. HOMICIDE

- CALJIC 8.00 Homicide—Defined
- CALJIC 8.01 Presumption of Lawful Killing

B. MURDER

(a) Definitions

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

(b) First Degree Murder

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

(c) Second Degree Murder

- CALJIC 8.30 Unpremeditated Murder of the Second Degree
- CALJIC 8.31 Second Degree Murder—Killing Resulting From Unlawful Act Dangerous to Life
- CALJIC 8.32 Second Degree Felony—Murder
- CALJIC 8.33 Second Degree Felony—Murder—In Pursuance of a Conspiracy
- CALJIC 8.34 Second Degree Felony—Murder—Aider and Abettor
- CALJIC 8.34.1 Second Degree Murder—Aider and Abettor—Natural and Probable Consequence

TABLE OF INSTRUCTIONS

Inst. No.

- CALJIC 8.34.2 Second Degree Murder—Conspiracy—Natural and Probable Consequence
CALJIC 8.35 Special Finding—Second Degree Murder of Peace Officer
CALJIC 8.35.2 Special Finding—Second Degree Murder—Intentional Discharge of Firearm From Vehicle
CALJIC 8.36 Special Finding—Second Degree Murder of Peace Officer

C. MANSLAUGHTER

(a) Definition

- CALJIC 8.37 Manslaughter—Defined

(b) Voluntary Manslaughter

- CALJIC 8.40 Voluntary Manslaughter—Defined
CALJIC 8.41 Attempted Voluntary Manslaughter
CALJIC 8.42 Sudden Quarrel or Heat of Passion and Provocation Explained
CALJIC 8.43 Murder or Manslaughter—Cooling Period
CALJIC 8.44 No Specific Emotion Alone Constitutes Heat of Passion

(c) Involuntary Manslaughter

- CALJIC 8.45 Involuntary Manslaughter—Defined
CALJIC 8.46 Due Caution and Circumspection—Defined
CALJIC 8.47 Involuntary Manslaughter—Killing While Unconscious Due to Voluntary Intoxication

D. MURDER AND MANSLAUGHTER DISTINGUISHED

- CALJIC 8.50 Murder and Manslaughter Distinguished
CALJIC 8.51 Murder and Manslaughter Distinguished—Nature of Act Involved

E. CAUSATION

- CALJIC 8.55 Homicide—Cause—Defined
CALJIC 8.56 Homicide—Negligence of Deceased or Third Person
CALJIC 8.57 Homicide—Effect of Improper Treatment
CALJIC 8.58 Homicide—Unlawful Injury Accelerating Death

F. TRANSFERRED INTENT

- CALJIC 8.65 Transferred Intent

G. ATTEMPT TO COMMIT MURDER

- CALJIC 8.66 Attempted Murder
CALJIC 8.66.1 Attempted Murder—Kill Zone Victims—Intent Required
CALJIC 8.67 Attempted Murder—Willful, Deliberate, and Premeditated
CALJIC 8.68 Attempted Murder—Peace Officer Victim
CALJIC 8.69 Conspiracy to Commit Murder

H. DUTY OF JURY

- CALJIC 8.70 Duty of Jury as to Degree of Murder
CALJIC 8.71 Doubt Whether First or Second Degree Murder
CALJIC 8.72 Doubt Whether Murder or Manslaughter
CALJIC 8.73 Evidence of Provocation May Be Considered in Determining Degree of Murder

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.

- CALJIC 8.73.1 Evidence of Hallucination May Be Considered in Determining Degree of Murder
CALJIC 8.74 Unanimous Agreement as to Offense—First or Second Degree Murder or Manslaughter
CALJIC 8.75 Jury May Return Partial Verdict—Homicide

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

(a) Special Circumstances

- CALJIC 8.80 Pre June 6, 1990 Special Circumstances—Introductory
CALJIC 8.80.1 Post June 5, 1990 Special Circumstances—Introductory
CALJIC 8.81.1 Special Circumstances—Murder for Financial Gain
CALJIC 8.81.3 Special Circumstances—Multiple Murder Convictions
CALJIC 8.81.4 Special Circumstances—Murder Perpetrated by Destructive Device, Bomb, or Explosive
CALJIC 8.81.5 Special Circumstances—Murder to Prevent Arrest or Perfect Escape
CALJIC 8.81.7 Special Circumstances—Murder of Peace Officer, Federal Officer or Agent or Firefighter
CALJIC 8.81.8 Special Circumstances—Peace Officer Victim—“Performance of Official Duties”—Defined
CALJIC 8.81.10 Special Circumstances—Murder of Witness to a Crime
CALJIC 8.81.11 Special Circumstances—Murder of Judge, Prosecutor or Federal Official
CALJIC 8.81.15 Special Circumstances—Murder While Lying in Wait—Pre March 8, 2000
CALJIC 8.81.15.1 Special Circumstances—Murder by Lying in Wait
CALJIC 8.81.16 Special Circumstances—Murder Because of Race, etc.
CALJIC 8.81.17 Special Circumstances—Murder in Commission of _____
CALJIC 8.81.17.1 Special Circumstances—Murder in Commission of Kidnapping/Arson With Intent to Kill
CALJIC 8.81.18 Special Circumstances—Murder Involving Torture
CALJIC 8.81.19 Special Circumstances—Murder by Administration of Poison
CALJIC 8.81.20 Special Circumstances—Murder of Juror
CALJIC 8.81.21 Special Circumstances—Intentional Discharge of a Firearm From a Motor Vehicle
CALJIC 8.81.22 Special Circumstances—Intentional Killing by Active Street Gang Member
CALJIC 8.82 Special Circumstances—Murder With Prior Conviction of Murder
CALJIC 8.83 Special Circumstances—Sufficiency of Circumstantial Evidence—Generally
CALJIC 8.83.1 Special Circumstances—Sufficiency of Circumstantial Evidence to Prove Required Mental State
CALJIC 8.83.2 Special Circumstances—Jury Must Not Consider Penalty
CALJIC 8.83.3 Testimony of Accomplice Must Be Corroborated—Special Circumstance Trial

(b) Death Penalty Trial

- CALJIC 8.84 Penalty Trial—Introductory
CALJIC 8.84.01 Intellectual Disability Phase
CALJIC 8.84.02 Intellectual Disability Defined
CALJIC 8.84.03 Special Finding—Intellectual Disability
CALJIC 8.84.1 Duty of Jury—Penalty Proceeding
CALJIC 8.85 Penalty Trial—Factors for Consideration
CALJIC 8.85.1 Victim Impact Evidence

TABLE OF INSTRUCTIONS

Inst. No.

- CALJIC 8.85.2 Death Penalty—Cost/Deterrent Effect
CALJIC 8.86 Penalty Trial—Conviction of Other Crimes—Proof Beyond a Reasonable Doubt
CALJIC 8.87 Penalty Trial—Other Criminal Activity—Proof Beyond a Reasonable Doubt
CALJIC 8.88 Penalty Trial—Concluding Instruction

J. VEHICULAR MANSLAUGHTER

- CALJIC 8.90 Vehicular Manslaughter [With Gross Negligence] Not Involving Drugs or Alcohol
CALJIC 8.91 Vehicular Manslaughter—Ordinary Negligence—Defined
CALJIC 8.92 Vehicular Manslaughter—Effect of Imminent Peril
CALJIC 8.93 [Gross] Vehicular Manslaughter While Intoxicated
CALJIC 8.93.5 Vehicular Manslaughter—Death Resulting From Accident or Collision Staged for Financial Gain
CALJIC 8.94 Jury to Consider Overall Circumstances—Driving and Intoxication
CALJIC 8.95 Vehicular Manslaughter—Basic Speed Law
CALJIC 8.96 Vehicular Manslaughter—Prima Facie Speed Limits
CALJIC 8.97 Vehicular Manslaughter—Maximum Speed Law
CALJIC 8.98 Felony Vehicular Manslaughter—Fleeing Scene Enhancement

Volume 2

PART 9 CRIMES AGAINST SECURITY OF PERSON

A. ASSAULT AND BATTERY

(a) In General

- CALJIC 9.00 Assault—Defined
CALJIC 9.00.1 Assault—Conditional Threat
CALJIC 9.01 Assault—Present Ability to Commit Injury Necessary
CALJIC 9.02 Assault With a Deadly Weapon or by Means of Force Likely to Produce Great Bodily Injury
CALJIC 9.02.1 Assault With a Machinegun/Assault Weapon/[Semiautomatic Firearm] .50 BMG Rifle
CALJIC 9.02.2 Assault With a Stun Gun/Less Lethal Weapon
CALJIC 9.03 Shooting at Occupied Motor Vehicle or Inhabited Dwelling
CALJIC 9.03.1 Shooting at Unoccupied Aircraft
CALJIC 9.03.2 Discharging Firearm at Unoccupied Motor Vehicle or Uninhabited Structure
CALJIC 9.03.3 Grossly Negligent Discharge of Firearm
CALJIC 9.04 Permitting Shooting From Vehicle
CALJIC 9.05 Shooting From Vehicle at a Person
CALJIC 9.06 Shooting From Vehicle
CALJIC 9.07 Drawing or Exhibiting Firearm in Presence of Motor Vehicle Occupant
CALJIC 9.08 Assault With Hands or Fists
CALJIC 9.08.5 Assault With Caustic Chemicals
CALJIC 9.09 Assault with Intent to Commit Certain Felonies
CALJIC 9.10 Assault with Intent to Commit Certain Felonies During First Degree Burglary
CALJIC 9.11 Insulting Words—Not Justification for Assault
CALJIC 9.12 Battery With Serious Bodily Injury

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.

- CALJIC 9.15 Aggravated Trespass
- CALJIC 9.16.1 Stalking
- CALJIC 9.16.11 Stalking
- CALJIC 9.16.20 Stalking Following Court Order
- CALJIC 9.16.22 Stalking Following Court Order

(b) On Peace Officer, Firefighter, etc.

- CALJIC 9.20 Assault With a Deadly Weapon Upon a Peace Officer, Firefighter, et al.
- CALJIC 9.20.1 Assault With Semiautomatic Firearm, Machinegun, or Assault Weapon, Upon a Peace Officer, et al.
- CALJIC 9.20.2 Assault With a Stun Gun/Less Lethal Weapon Upon a Peace Officer, et. al.
- CALJIC 9.21 Drawing or Exhibiting Firearm in Presence of Peace Officer
- CALJIC 9.21.1 Drawing or Exhibiting Firearm/Deadly Weapon With Intent to Resist Peace Officer
- CALJIC 9.22 Battery on Peace Officer, Firefighter, Custodial Officer, et al.
- CALJIC 9.23 Discharge or Performance of Duties—Defined
- CALJIC 9.24 Lawful Arrest by Peace Officer—Defined
- CALJIC 9.24.1 Lawful Arrest by Peace Officer—Driving Under the Influence
- CALJIC 9.25 Method of Arrest
- CALJIC 9.26 Arrest or Detention—Use of Reasonable Force—Duty to Submit
- CALJIC 9.27 Lawful Detention—Defined
- CALJIC 9.28 Use of Excessive Force by Officer
- CALJIC 9.29 Performance of Duties of Office—Burden of Proof

B. MAYHEM

- CALJIC 9.30 Mayhem—Defined—Necessary Elements
- CALJIC 9.31 Meaning of “Puts Out an Eye”
- CALJIC 9.32 Aggravated Mayhem

C. SPOUSE OR COHABITANT OR CHILD BEATING

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

D. ROBBERY

- CALJIC 9.40 Robbery
- CALJIC 9.40.1 Robbery—Aiding and Abetting—When Intent to Abet Must Be Formed
- CALJIC 9.40.2 Robbery—After Acquired Intent
- CALJIC 9.40.3 Store Employee as Victim of Robbery
- CALJIC 9.40.4 Constructive Possession—Special Relationship

TABLE OF INSTRUCTIONS

Inst. No.

CALJIC 9.41	Robbery—Fear—Defined
CALJIC 9.42	Robbery of the First Degree—Defined
CALJIC 9.42.1	Robbery First Degree—Acting in Concert
CALJIC 9.43	Second Degree Robbery as a Matter of Law
CALJIC 9.44	Robbery—Theft by Larceny—Burglary—Defense of Claim of Right
CALJIC 9.46	Carjacking

E. KIDNAPPING

CALJIC 9.50	Kidnapping—No Other Underlying Crime
CALJIC 9.50.1	Aggravated Kidnapping—Whether Movement is Substantial and Increases the Risk of Harm to the Victim
CALJIC 9.51	Kidnapping for Child Molesting
CALJIC 9.52	Kidnapping—Victim Under Fourteen
CALJIC 9.52.1	Kidnapping to Commit Certain Sex Crimes
CALJIC 9.53	Kidnapping for Ransom, Reward or Extortion
CALJIC 9.54	Kidnapping to Commit Robbery and/or Certain Sex Crimes
CALJIC 9.54.1	Kidnapping During Commission of Carjacking
CALJIC 9.55	Achievement of Purpose Not Essential to Kidnapping
CALJIC 9.56	No Kidnapping When Free Consent
CALJIC 9.57	Kidnapping of Infant, Child, Intoxicated Person or Person Incapable of Giving Consent—Amount of Force Required
CALJIC 9.58	Kidnapping—Belief as to Consent

F. FALSE IMPRISONMENT AND HUMAN TRAFFICKING

CALJIC 9.60	Felony False Imprisonment [of Elder/Dependent Adult]
CALJIC 9.61	False Imprisonment—Shield/Protection From Arrest
CALJIC 9.62	Human Trafficking (Pre-proposition 35)
CALJIC 9.62.1	Human Trafficking for Forced Labor/Services
CALJIC 9.62.2	Human Trafficking for Sexual Purposes
CALJIC 9.62.3	Human Trafficking Causing Minor to Engage in Commercial Sex Act
CALJIC 9.62.4	Force or Fear Enhancement
CALJIC 9.62.5	Human Trafficking-Causing Minor to Engage in Commercial Sex Act Involving Force, Etc.

G. CHILD ABDUCTIONS

CALJIC 9.70	Child Abduction
CALJIC 9.71	Child Abduction—Violation of Custody or Visitation Right
CALJIC 9.71.5	Defense—Good Faith Reasonable Belief of Harm
CALJIC 9.72	Child Abduction—Definitions
CALJIC 9.73	Child Abduction—Consent of Child

H. FELONY RESISTING ARREST

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

I. TORTURE

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

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.

J. TERRORIZING AND TERRORIST THREATS

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

K. CRIMES INVOLVING TRAINS

- CALJIC 9.95 Train Wrecking
- CALJIC 9.96 Obstructing Railroad Track
- CALJIC 9.97 Train Derailing Or Wrecking: Punishment
- CALJIC 9.98 Throwing Missiles At Common Carrier Vehicles
- CALJIC 9.99 Throwing Hard Substance At Train

PART 10 SEX CRIMES

A. SEX CRIMES UPON ADULTS

(a) Rape

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

(b) Unlawful Oral Copulation

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

(c) Unlawful Sodomy

- CALJIC 10.20 Unlawful Sodomy by Force or Violence
- CALJIC 10.21 Unlawful Sodomy by Force or Threats—Acting in Concert
- CALJIC 10.22 Unlawful Sodomy With Person Lacking Capacity
- CALJIC 10.23 Unlawful Sodomy—Lack of Consent—Intoxicants, etc.—Unconsciousness
- CALJIC 10.24 Unlawful Sodomy—Prisoner
- CALJIC 10.25 Unlawful Sodomy—Lack of Consent—Fraud

TABLE OF INSTRUCTIONS

Inst. No.

- CALJIC 10.26 Unlawful Sodomy—Lack of Consent—Unlawful Threat of Public Authority
CALJIC 10.27 Unlawful Sodomy—Evidence of Other Offenses—Same Victim

(d) Forcible Acts of Sexual Penetration

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

(e) Sexual Battery

- CALJIC 10.37 Sexual Battery—Defined
CALJIC 10.37.1 Sexual Battery—Defined
CALJIC 10.37.2 Sexual Battery—Defined

(f) Indecent Exposure

- CALJIC 10.38 Felony Indecent Exposure

B. SEX CRIMES UPON MINORS

(a) Unlawful Sexual Intercourse

- CALJIC 10.40.1 Unlawful Sexual Intercourse—Defined
CALJIC 10.40.2 Unlawful Sexual Intercourse—Defined

(b) Lewd Acts With Child Under Fourteen Years

- CALJIC 10.41 Lewd Act with a Child under Fourteen Years—Defined
CALJIC 10.42 Lewd Act with a Child under Fourteen Years—Force or Fear
CALJIC 10.42.5 Lewd Act with a Child Age Fourteen or Fifteen
CALJIC 10.42.6 Continuous Sexual Abuse of a Child
CALJIC 10.42.7 Continuous Sexual Abuse of Children—Alternative Verdicts
CALJIC 10.43 Lewd Act With Child—Evidence of Other Offenses—Same Child
CALJIC 10.44 Lewd Act With Child—Evidence of Other Offenses—Other Children

(c) Unlawful Oral Copulation

- CALJIC 10.45 Unlawful Oral Copulation With Person Under Eighteen Years—Sixteen Years
CALJIC 10.46 Unlawful Oral Copulation With Person Under Fourteen Years

(d) Unlawful Sodomy

- CALJIC 10.47 Unlawful Sodomy With Person Under Eighteen Years—Sixteen Years
CALJIC 10.48 Unlawful Sodomy—With Person Under Fourteen Years

(e) Forcible Acts of Sexual Penetration

- CALJIC 10.49 Forcible Acts of Sexual Penetration—With Person Under Eighteen Years—Sixteen Years
CALJIC 10.50 Forcible Acts of Sexual Penetration—With Person Under Fourteen Years—Force or Threats
CALJIC 10.51 Act of Sexual Penetration upon Minor Victim by Force or Violence

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.

(f) Aggravated Sexual Assault

CALJIC 10.55 Aggravated Sexual Assault of a Child

(g) Other Sexually Motivated Crimes Against Children

- CALJIC 10.56 Aggravated Sexual Assault of a Child
- CALJIC 10.57 Annoying or Molesting Children
- CALJIC 10.58 Harmful Matter Sent With Intent of Seduction of Minor
- CALJIC 10.58.1 Harmful Matter Sent With Deviant Sexual Intent
- CALJIC 10.59 Contacting Minor With Intent to Commit Certain Felonies
- CALJIC 10.59.1 Arranging Meeting with Minor for Lewd Purpose—Prior Conviction
- CALJIC 10.59.2 Attending Meeting with Minor for Lewd Purpose—Prior Conviction
- CALJIC 10.59.5 Unlawful Sexual Intercourse/Sodomy with Child 10 Years of Age or Younger
- CALJIC 10.59.6 Unlawful Oral Copulation/Sexual Penetration with Child 10 Years of Age or Younger
- CALJIC 10.59.7 Acting in Concert Forcible Sex Crimes Against Minor
- CALJIC 10.59.8 Unlawful Sodomy by Force or Violence upon Minor
- CALJIC 10.59.9 Rape by Force or Violence upon Minor
- CALJIC 10.59.10 Unlawful Oral Copulation by Force or Violence upon Minor

C. SEX CRIMES—GENERAL REQUIREMENTS AND DEFENSES

(a) General Requirements

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

(b) Defenses

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

D. PIMPING, PANDERING, PROCUREMENT

- CALJIC 10.70 Pimping—Defined
- CALJIC 10.70.1 Pimping—Minor Victim—Defined
- CALJIC 10.71 Pandering—Defined
- CALJIC 10.71.1 Pandering—Minor Victim—Defined
- CALJIC 10.72 Child Procurement

E. CHILD PORNOGRAPHY

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

F. SEX CRIMES UPON DEPENDENT ADULTS

- CALJIC 10.90 Lewd Act by Caretaker Upon Dependent Adult

TABLE OF INSTRUCTIONS

Inst. No.

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
CALJIC 12.01	Controlled Substance (Sched. I–V)—Illegal Possession or Purchase for Sale
CALJIC 12.02	Controlled Substance (Sched. I–V)—Illegal Sale, etc.
CALJIC 12.03	Controlled Substance (Sched. I–V)—Illegal Offer to Sell, etc.
CALJIC 12.04	Controlled Substance (Sched. I–V)—Illegal Sale, etc. of Substance in Lieu Thereof
CALJIC 12.05	Narcotics—Forgery of Prescription
CALJIC 12.06	Momentary Lawful Possession—Burden of Proof
CALJIC 12.07	Administer—Defined
CALJIC 12.08	Opening or Maintaining Place for Controlled Substance Sale or Use
CALJIC 12.09.1	Manufacturing or Offering to Manufacture a Controlled Substance
CALJIC 12.09.2	Possession With Intent to Manufacture
CALJIC 12.09.3	Possession with Intent to Manufacture PCP
CALJIC 12.09.4	Possession With Intent to Manufacture Methamphetamine
CALJIC 12.09.5	Possession With Intent to Manufacture Methamphetamine
CALJIC 12.09.6	Possession of Methylamine etc. with Intent to Sell for Purpose of Manufacturing Methamphetamine
CALJIC 12.09.7	Possession of Ephedrine, Etc., with Intent to Sell for Purpose of Manufacture of Methamphetamine
CALJIC 12.09.8	Possession of Hydriotic Acid, etc., with Intent to Sell for Purpose of Manufacturing Methamphetamine
CALJIC 12.09.9	Possession of Isomer with Intent to Manufacture Methamphetamine
CALJIC 12.09.10	Possession of Precursor with Intent to Manufacture Methamphetamine
CALJIC 12.09.11	Possession of Essential Chemicals with Intent to Manufacture Methamphetamine
CALJIC 12.09.12	Possession of Compound or Mixture with Intent to Manufacture Methamphetamine
CALJIC 12.09.13	Possession of Combination Product With Intent to Sell for Manufacturing PCP
CALJIC 12.09.14	Possession of Compound Isomer With Intent to Sell for Manufacturing PCP
CALJIC 12.09.15	Possession of Compound/Mixture With Intent to Sell for Manufacturing PCP
CALJIC 12.09.16	Possession of precursor With Intent to Sell for Manufacturing PCP
CALJIC 12.10	Controlled Substance (Sched. I and II)—Illegal Sale, etc., to Minor

(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
CALJIC 12.12	Controlled Substance (Sched. I and II)—Employment of Minor to Peddle
CALJIC 12.13	Controlled Substance (Sched. I and II)—Inducing Minor to Violate Controlled Substances Law

(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
CALJIC 12.16	Controlled Substance (Sched. III, IV and V)—Inducing Minor to Violate Controlled Substances Law

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.

CALJIC 12.17 Controlled Substance (Sched. III, IV and V)—Using Minor as Agent to Violate Controlled Substances Law

(d) Marijuana

CALJIC 12.20 Marijuana—Concentrated Cannabis—Unlawful Possession as Felony/Misdemeanor

CALJIC 12.21 Marijuana—Unlawful Possession for Sale

CALJIC 12.22 Marijuana—Unlawful Sale, etc.

CALJIC 12.22.5 Marijuana—Unlawfully Gives Away or Transports More Than 28.5 Grams

CALJIC 12.23 Marijuana—Unlawful Offer to Sell, etc.

CALJIC 12.24 Marijuana—Unlawful Planting, etc.

CALJIC 12.24.1 Defense of Compassionate Use

CALJIC 12.24.2 Defense of Collective or Cooperative Cultivation

CALJIC 12.24.3 Lawful Uses

CALJIC 12.24.4 —Definitions

(e) Marijuana—Involvement of Minor

CALJIC 12.25 Marijuana—Illegal Sale, etc., to Minor

CALJIC 12.26 Marijuana—Illegal Offer to Sell, etc., to Minor

CALJIC 12.27 Marijuana—Employment of Minor to Peddle

CALJIC 12.28 Marijuana—Inducing Minor to Use

CALJIC 12.29 Marijuana—Illegal Furnishing to Minor Fourteen Years or Older

(f) Proof

CALJIC 12.30.1 Controlled Substance (Sched. I–V)—Burden of Proof as to Prescription

CALJIC 12.30.2 Controlled Substance (Sched. I–V)—Burden of Proof as to Prescription

CALJIC 12.31 “Marijuana”—Defined

CALJIC 12.32 Controlled Substance and Marijuana—Proof of Usable Quantity Possessed

CALJIC 12.33 Controlled Substance and Marijuana—Proof of Strength Unnecessary

(g) Unlawful Possession of Money/Negotiable Instruments

CALJIC 12.35 Unlawful Possession of Moneys/Negotiable Instruments in Excess of \$100,000

CALJIC 12.36 Attorney—Unlawful Possession of Money/Negotiable Instruments in Excess of \$100,000

CALJIC 12.37 Unlawful Possession of Money/Negotiable Instruments—Factors to Consider

CALJIC 12.37.1 Proceeds Over \$25,000 Derived from Controlled Substance Crimes (No. 1)

CALJIC 12.37.2 Proceeds Over \$25,000 Derived from Controlled Substance Crimes (No. 2)

CALJIC 12.37.3 Proceeds Over \$25,000 Derived from Controlled Substance Crimes (No. 3)

CALJIC 12.37.4 Proceeds Over \$25,000 Derived from Controlled Substance Crimes (No. 4)

(h) Miscellaneous Offenses

CALJIC 12.38 False Compartments

(i) Forfeiture Proceedings

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

B. DEADLY WEAPONS AND CONCEALABLE FIREARMS

CALJIC 12.40 Illegal Possession of Certain Weapons or Explosives

CALJIC 12.41 Carrying a Concealed Dagger or Explosive Substance—Weapon Defined

TABLE OF INSTRUCTIONS

Inst. No.

CALJIC 12.42	Deadly Weapon—Defined
CALJIC 12.43	Firearm—Possession by Person Convicted of a Felony—No Stipulation of Status
CALJIC 12.43.1	Justifiable Violations
CALJIC 12.44	Firearm—Possession by Person Convicted of a Felony—Status Stipulated
CALJIC 12.45	Firearm—Possession by Narcotic Addict
CALJIC 12.46	Concealable Firearm—Concealed Within Vehicle Controlled by Felon
CALJIC 12.46.1	Concealable Firearm—Concealed Within Vehicle Controlled by Defendant
CALJIC 12.46.2	Concealable Weapons—Defendant Admits Priors, etc.
CALJIC 12.47	Concealable Firearm—Possession By Person Convicted of Crime Against Person, Property or Drug Violation
CALJIC 12.47.1	Concealable Firearm—Carried on the Person
CALJIC 12.47.2	Concealed Weapons—Unregistered Loaded Firearm
CALJIC 12.47.5	Concealable Firearm—Concealed Within Vehicle Occupied by Ex-Felon
CALJIC 12.47.6	Concealable Firearm—Concealed Within Vehicle Occupied by Prohibited Person
CALJIC 12.48	Firearm [Capable of Being Concealed]—Defined
CALJIC 12.48.5	Prior Conviction—Limited Use
CALJIC 12.49	Illegal Possession of Ammunition
CALJIC 12.49.5	Illegal Possession of Ammunition—Defense of Justification
CALJIC 12.49.7	Possessing or Trafficking in Large Capacity Magazines
CALJIC 12.50	Use of Firearm by Convicted Felon—Self-Defense
CALJIC 12.51	Firearm—Place of Felony Conviction
CALJIC 12.52	Unlawful Possession of Controlled Substance While Armed With a Firearm
CALJIC 12.53	Armed Criminal Action
CALJIC 12.54	Carrying Loaded Firearm
CALJIC 12.54.1	Carrying Loaded Firearm—Gang Member

C. DESTRUCTIVE DEVICES AND EXPLOSIVES

CALJIC 12.55	Possession of Destructive Device
CALJIC 12.55.1	Placing or Carrying Explosive/Destructive Device—Common Carrier
CALJIC 12.55.2	Possession of Destructive/Dangerous Device at or Near Certain Places
CALJIC 12.55.3	Possession of Destructive Device/Explosive With Intent to Injure
CALJIC 12.55.4	Sale/Transportation of Destructive Device
CALJIC 12.55.5	Explosion or Attempt to Explode or Ignite Destructive Device With Intent to Murder
CALJIC 12.55.6	Unlawful Explosion/Ignition of Explosive/Destructive Device Causing Bodily Injury
CALJIC 12.55.7	Explosion/Ignition of Explosive/Destructive Device Causing Death, Mayhem or Great Bodily Injury
CALJIC 12.55.8	Possession of Materials With Intent to Make Explosive/Destructive Device
CALJIC 12.56	Explosive/Destructive Device—Defined
CALJIC 12.57	Unlawful Possession of Body Armor

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

CALJIC 12.60.01	Felony Driving Under the Influence of Any Alcoholic Beverage
CALJIC 12.60.02	Felony Driving Under the Influence of Any Drug
CALJIC 12.60.03	Felony Driving Under the Combined Influence of Any Drug and Alcoholic Beverage
CALJIC 12.60.05	Felony Driving wWith 0.04 Percent Blood Alcohol
CALJIC 12.60.1	Felony Driving With 0.08 Percent

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.

- CALJIC 12.61 Driving Under the Influence—Inference of Intoxication
CALJIC 12.61.1 Driving With [0.04] [0.08] Percent or More—Inference
CALJIC 12.63 “Alcoholic Beverage”—Defined
CALJIC 12.64 Alcoholic or Drug Influenced Driving—Under the Influence Related to Condition of Driver
CALJIC 12.65 Driving Under the Influence, etc.—Felony Prosecutions
CALJIC 12.66 Driving With 0.08 Percent Blood Alcohol—Felony Prosecutions
CALJIC 12.67 Felony Driving Under the Influence—Priors
CALJIC 12.68 Felony Driving With 0.08 Percent

E. FAILURE TO STOP AFTER VEHICLE ACCIDENT

- CALJIC 12.70 Felony Hit and Run
CALJIC 12.72 Failure to Stop—Driver Disabled or Rendered Unconscious
CALJIC 12.73 Failure to Stop—Driver’s Duty Not Affected by Blame for Accident
CALJIC 12.74 Failure to Stop—“Immediately Stop”—Meaning of
CALJIC 12.75 Failure to Stop—Duties Same Whoever Injured
CALJIC 12.76 Failure to Stop—Duty of Non-Driving Owner
CALJIC 12.77 Failure to Stop—When Driver Disobeys Owner
CALJIC 12.78 Failure to Stop—When Non-Driving Owner Unaware of Accident
CALJIC 12.79 Failure to Stop—Duty of Non-Owner Rider in Control
CALJIC 12.80 Failure to Stop—When Driver Disobeys Person in Authority
CALJIC 12.82 Reckless Driving Causing Certain Injuries
CALJIC 12.83 Speed Contest Causing Certain Injuries

F. FLIGHT FROM PURSUING PEACE OFFICER

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

G. BOOKMAKING

- CALJIC 12.90 Pool-Selling and Bookmaking—Defined
CALJIC 12.91 Bookmaking—Procedure Described
CALJIC 12.92 Keeping or Occupying Place for Recording Bets
CALJIC 12.93 Bookmaking—Receiving Bets
CALJIC 12.94 Bookmaking—Recording Bets
CALJIC 12.95 Bookmaking—Permitting Use of Place
CALJIC 12.96 Betting
CALJIC 12.96.1 Prior Convictions Of Bookmaking

H. MISCHIEVOUS ANIMALS/DANGEROUS DOGS

- CALJIC 12.97 Mischievous Animal
CALJIC 12.98 Attack Dogs
CALJIC 12.98.1 Defense of Trespassing, etc.

I. MONEY LAUNDERING

- CALJIC 12.99 Money Laundering

TABLE OF INSTRUCTIONS

Inst. No.

PART 13 INVASION OF PRIVACY

A. EAVESDROPPING

CALJIC 13.01 Eavesdropping on or Recording Confidential Communications

PART 14 CRIMES AGAINST PROPERTY

A. THEFT

(a) Forms of Theft

CALJIC 14.00 Theft—Forms of

(b) Larceny

CALJIC 14.02 Theft by Larceny—Defined

CALJIC 14.03 Theft Intent—Further Defined

(c) Trick and Device

CALJIC 14.05 Theft by Trick and Device—Defined

(d) Embezzlement

CALJIC 14.07 Theft by Embezzlement—Defined

CALJIC 14.08 Embezzlement—Trustor May Be Agent for Owner

(e) False Pretense

CALJIC 14.10 Theft by False Pretense—Defined and Elements

CALJIC 14.11 False Pretense—Reliance on Representation

CALJIC 14.12 False Pretense—Permanent Loss Not Necessary

CALJIC 14.14 Proof of False Pretense

CALJIC 14.15 False Token—Defined

CALJIC 14.16 False Pretense—Continuing Effect of Representation

CALJIC 14.17 False Pretenses—Only One Instance Need Be Proved

CALJIC 14.18 False Pretense—Evidence of Similar Representations as Corroboration

(f) Degrees of Theft

CALJIC 14.19 Theft From Pawnbroker

CALJIC 14.19.1 Theft—Appropriation of Lost Property

CALJIC 14.19.2 Organized Retail Theft

CALJIC 14.19.3 Theft of Wages or Benefits by an Employer From an Employee

CALJIC 14.20 Grand and Petty Theft

CALJIC 14.21 Grand and Petty Theft—When Distinction Depends on Value (\$950, Point of Demarcation)

CALJIC 14.21.01 Theft Not Exceeding \$950.00 as Felony/Misdemeanor

CALJIC 14.21.1 Theft of Cargo—Grand and Petty Theft

CALJIC 14.21.2 Theft of Copper—Grand and Petty Theft

CALJIC 14.22 Grand and Petty Theft—When Distinction Depends on Value (\$250, Point of Demarcation)

CALJIC 14.23 Grand and Petty Theft—When Property Is Taken From the Person

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.

CALJIC 14.24	Grand and Petty Theft—Theft of Specified Property
CALJIC 14.25	Grand and Petty Theft—Theft by Agent, etc., Over \$950 in Twelve-Month Period
CALJIC 14.26	Grand and Petty Theft—How Property Value Determined
CALJIC 14.27	Grand and Petty Theft—Owner’s Opinion of Value
CALJIC 14.28	Grand and Petty Theft—No Market in Locality of Theft
CALJIC 14.29	Grand and Petty Theft—Value of Labor or Services
CALJIC 14.30	Grand and Petty Theft—Concerning Evidence of Value of Labor
CALJIC 14.31	Grand and Petty Theft—Theft in Installments

(g) Unlawful Taking of Automobile

CALJIC 14.35	Grand Theft of an Automobile
CALJIC 14.36	Unlawful Vehicle Taking
CALJIC 14.37	Auto Taking—When Acts May Constitute Either or Both Crimes

(h) Petty Theft With Prior

CALJIC 14.40	Petty Theft With Prior Conviction—Not Admitted
CALJIC 14.40.1	Petty Theft With Prior Conviction—Not Admitted
CALJIC 14.41	Petty Theft With Prior Conviction—Prior Admitted

(i) Restitution and Verdict

CALJIC 14.46	Theft—Restitution Not a Defense
CALJIC 14.47	Theft—Jury Agreement as to Form of Theft Committed Not Necessary

(j) Computer Crimes

CALJIC 14.48.1	Unconsented Access to Obtain Property
CALJIC 14.48.2	Unconsented Use of Computer Data
CALJIC 14.48.3	Unconsented Alteration or Damage to Data
CALJIC 14.48.4	Disruption or Denial of Computer Services
CALJIC 14.48.5	Disruption or Denial of Government Computer Services
CALJIC 14.48.6	Adding, Altering, Damaging Data, Software, or Programs
CALJIC 14.48.7	Interfering with Public Safety Infrastructure Computer Services

B. BURGLARY

CALJIC 14.50	Burglary—Defined
CALJIC 14.50.1	Shoplifting as Felony/Misdemeanor
CALJIC 14.51	First and Second Degree Burglary—Defined
CALJIC 14.52	Burglary—Inhabited Dwelling—Defined
CALJIC 14.53	Burglary—Trailer Coach—Defined
CALJIC 14.54	Burglary—When Intent to Abet Must Be Formed
CALJIC 14.56	Second Degree Burglary as a Matter of Law
CALJIC 14.58	Burglary of Motor Vehicle—Defined
CALJIC 14.59	Burglary—Agreement as to Theft or Felony Intended Not Necessary
CALJIC 14.60	Burglary with Explosives

C. RECEIVING STOLEN PROPERTY

CALJIC 14.65	Receiving Stolen Property—Defined
CALJIC 14.65.1	Receiving a Stolen Motor Vehicle

TABLE OF INSTRUCTIONS

Inst. No.

- CALJIC 14.66 Receiving Stolen Property With Innocent Intent
CALJIC 14.68 Chop Shop—Ownership/Operation

D. EXTORTION

- CALJIC 14.70 Extortion—Defined
CALJIC 14.70.1 Obtaining Official Act by Wrongful Use of Force or Fear
CALJIC 14.71 Extortion—What Threats Constitute Inducing Fear
CALJIC 14.72 Extortion—Meaning of Term “Unlawful Injury”
CALJIC 14.73 Extortion—Causal Relation Between Fear and Consent
CALJIC 14.74 Extortion—What Constitutes Consent
CALJIC 14.75 Extortion—Threats to Expose Secret
CALJIC 14.76 Extortion—Obtaining Signature
CALJIC 14.77 Extortion—Sending Threatening Letter
CALJIC 14.78 Extortion—Authorship of Threatening Letter Not Material
CALJIC 14.79 Extortion—When Offense of Sending Threatening Letter Complete
CALJIC 14.79.1 Extortion—Introducing Ransomware

E. ARSON

- CALJIC 14.80 Arson—Great Bodily Injury—Burning of Inhabited Structure or Inhabited Property
CALJIC 14.80.1 Arson—Sentencing Enhancements
CALJIC 14.81 Aggravated Arson
CALJIC 14.82 Unlawfully Causing a Fire—Causing Great Bodily Injury or Burning of Inhabited Structure, Inhabited Property, or Structure or Forest Land
CALJIC 14.83 Arson—Burning Own Personal Property With Intent to Defraud/Resulting Injury
CALJIC 14.84 Attempted Arson
CALJIC 14.85 Unlawfully Causing a Fire or Burning of Property—A Misdemeanor
CALJIC 14.86 Unlawfully Causing a Fire or Burning One’s Own Property—Causing Bodily Injury—A Misdemeanor
CALJIC 14.88 Unlawful Possession of Flammable, Explosive, or Combustible Material, or Device
CALJIC 14.89 Structure—Forest Land—Property—Inhabited—Defined
CALJIC 14.90 Finding re Pecuniary Gain
CALJIC 14.91 “Sets Fire to or Burns”—Defined

F. MALICIOUS MISCHIEF

- CALJIC 14.95 Felony Vandalism
CALJIC 14.96 Cruelty to Animals—Intentional and Malicious Abuse
CALJIC 14.97 Cruelty to Animals—Deprivation Abuse
CALJIC 14.98 Cruelty to Animals—Intentional or Criminally Negligent Abuse
CALJIC 14.98.1 Cruelty to Animals—Overdriving or Overloading
CALJIC 14.98.2 Unanimity Issue
CALJIC 14.99 Cruelty to Animals—Definitions—Agents or Employees

Volume 3

PART 15 CRIMINAL WRITINGS

A. FORGERY

- CALJIC 15.00 Forgery

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.

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

B. ISSUING WORTHLESS CHECK

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

C. FRAUDULENT INSURANCE CLAIMS

- CALJIC 15.40 Fraudulent Insurance Claims
- CALJIC 15.41.3 Fraudulent Health Care Insurance Claims
- CALJIC 15.42 Destruction of Insured Property by Any Means Other Than Burning

D. FALSE FINANCIAL STATEMENTS

- CALJIC 15.50 False Financial Statement—Making With Intent It Be Relied Upon
- CALJIC 15.51 False Financial Statement—Obtaining Benefits Therefrom
- CALJIC 15.52 False Financial Statement— Reaffirming on Later Day
- CALJIC 15.53 Mortgage Fraud

E. FALSE PERSONATION AND CHEATS

- CALJIC 15.58 False Personation
- CALJIC 15.59 False Personation—Obtaining Money or Property
- CALJIC 15.60 Unauthorized Use of Personal Identifying Information
- CALJIC 15.61 Personal Identifying Information—Definitions
- CALJIC 15.62 Fraudulent Possession of Personal Identification Information—With Prior Conviction—of Ten or More Other Persons
- CALJIC 15.63 Fraudulent Sale or Transfer of Personal Identifying Information
- CALJIC 15.64 Knowing Sale or Transfer of Personal Identifying Information to Person About to Commit Further Violation

F. COUNTERFEITING

- CALJIC 15.70 Making or Possessing Dies, Plates, Etc.

TABLE OF INSTRUCTIONS

Inst. No.

PART 16 MISDEMEANOR INSTRUCTIONS

A. BUSINESS AND PROFESSIONS CODE

CALJIC 16.005	Unlawful Possession of Hypodermic Needle or Syringe
CALJIC 16.006	Fraudulent Obtaining of Hypodermic Needle
CALJIC 16.007	Permitting Improper Use of Hypodermic Needle
CALJIC 16.010	Selling Liquor to Person Under 21
CALJIC 16.011	Purchase or Consumption of Liquor by Minor
CALJIC 16.012	Reliance on Proof of Majority
CALJIC 16.013	Purchase of Liquor for Minor, Resulting in Great Bodily Injury
CALJIC 16.013.1	Mistake of Fact as to Age
CALJIC 16.014	Alcoholic Beverage Includes
CALJIC 16.016	Parent/Guardian Knowingly Permitting Minor's Use or Consumption of Alcohol or Controlled Substance in the Home
CALJIC 16.020	Possession of Liquor by Minor

B. HEALTH AND SAFETY CODE

CALJIC 16.030	Concentrated Cannabis or Marijuana—Illegal Possession
CALJIC 16.035	Marijuana—Gives Away or Transports Not More Than 28.5 Grams
CALJIC 16.040	Possession of Controlled Substance Device
CALJIC 16.050	Presence Where Controlled Substances Used
CALJIC 16.060	Use or Under Influence of Controlled Substances—"Under the Influence of Controlled Substance"—Defined
CALJIC 16.061	Use or Under Influence of Controlled Substances—Burden of Proof of Authorized Administration
CALJIC 16.062	Misdemeanor Unlawful Possession of Controlled Substance

C. PENAL CODE

CALJIC 16.075	Fraudulent Claims for Health Care Benefits—A Misdemeanor
CALJIC 16.100	Assault on Peace Officer, Firefighter, et. al.
CALJIC 16.101	Battery on Peace Officer, Firefighter, et al.
CALJIC 16.102	Resisting Arrest
CALJIC 16.103	Discharge or Performance of Duties—Defined
CALJIC 16.104	"Lawful Arrest"—Defined
CALJIC 16.105	Method of Arrest
CALJIC 16.106	Arrest or Detention—Use of Reasonable Force—Duty to Submit
CALJIC 16.107	Resisting Arrest—Passive Resistance
CALJIC 16.108	Lawful Detention—Defined
CALJIC 16.109	Pat Down Search
CALJIC 16.110	Performing or Discharging Duties of Officer—Burden of Proof
CALJIC 16.111	Use of Excessive Force by Officer
CALJIC 16.112	Assaulting or Beating Without Lawful Necessity
CALJIC 16.113	Assault Against Service Personnel
CALJIC 16.115	Escape Following Remand or Arrest
CALJIC 16.116	Fraudulently Impersonating a Peace Officer
CALJIC 16.116.1	Fraudulently Using Authentic Badge to Impersonate a Peace Officer
CALJIC 16.116.2	Fraudulently Inducing Belief That One is a Peace Officer by Use of False Badge

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.

CALJIC 16.116.3	Willfully Wearing or Transferring Fake Law Enforcement Paraphernalia
CALJIC 16.117	Fraudulently Impersonating Rescue Team Member
CALJIC 16.117.1	Fraudulently Impersonating Rescue Team Member by Use of a Badge
CALJIC 16.117.2	Fraudulently Impersonating Rescue Team Member by Use of a False Badge
CALJIC 16.120	Courthouse Picketing
CALJIC 16.135	False Imprisonment
CALJIC 16.140	Battery
CALJIC 16.140.1	Battery Against Spouse, etc.
CALJIC 16.141	Battery—“Force and Violence”—Defined
CALJIC 16.142	Battery—Insulting Words No Justification
CALJIC 16.143	Battery—Resisting Unlawful Arrest
CALJIC 16.145	Sexual Battery—Defined
CALJIC 16.150	Failure to Provide
CALJIC 16.151	Failure to Provide—Duty of Support Regardless of Marital Status or Provision of Divorce Decree
CALJIC 16.152	Failure to Provide as Prima Facie Evidence That Omission Was Willful and Without Lawful Excuse
CALJIC 16.153	Failure to Provide—Proof of Parentage
CALJIC 16.154	Failure to Provide—Excuse of Inability
CALJIC 16.155	Failure to Provide—Ability to Support—Factors to Consider
CALJIC 16.156	Failure to Provide—Care Furnished by Other Parent or Others No Defense
CALJIC 16.160	Contributing to Delinquency of Minor
CALJIC 16.160.1	Persuading, Luring or Transporting Minors Under 14 Years of Age
CALJIC 16.161	Contributing to Delinquency of Minor—“Dependent Child”—Defined
CALJIC 16.162	Contributing to Delinquency of Minor—“Delinquent Child”—Defined
CALJIC 16.163	Definitions
CALJIC 16.164	Unlawful Sexual Intercourse—Defined
CALJIC 16.170	Child Abuse/Neglect/Endangerment Misdemeanor
CALJIC 16.171	Publishing Information About Child
CALJIC 16.172	Elder/Dependent Adult/Neglect/Endangerment Misdemeanor
CALJIC 16.175	Sexual Assault of Animal
CALJIC 16.176	Misdemeanor Animal Neglect
CALJIC 16.180	Obscenity—Obscene Matter
CALJIC 16.181	Obscenity—Statutory Definitions
CALJIC 16.182	Obscenity—“Obscene Matter”—Elements
CALJIC 16.183	Obscenity—“Matter”—Defined
CALJIC 16.184	Obscenity—“Average Adult Person”—Defined
CALJIC 16.185	Obscenity—Other Definitions
CALJIC 16.186	Obscenity—“Contemporary Community Standard”—Defined
CALJIC 16.187	Obscenity—Defined
CALJIC 16.188	Distributing Obscene Matter to Minors
CALJIC 16.190	Obscenity and Nudity Contrasted
CALJIC 16.191	Obscenity and Sex Contrasted
CALJIC 16.192	Obscenity—Possession of Obscene Matter
CALJIC 16.193	Obscenity—Exhibition of Similar Matter
CALJIC 16.194	Obscenity—Commercial Exploitation of Matter as Evidence

TABLE OF INSTRUCTIONS

Inst. No.	
CALJIC 16.194.5	Obscenity—Depiction of Persons Under Sixteen as Evidence
CALJIC 16.210	Obscenity—Obscene Live Conduct
CALJIC 16.211	Obscenity—“Obscene Live Conduct”—Elements
CALJIC 16.220	Indecent Exposure
CALJIC 16.225	Disturbance of Public Assembly or Meeting
CALJIC 16.230	Incitement to Riot
CALJIC 16.231	Incitement to Riot—“Riot”—Defined
CALJIC 16.235	Riot
CALJIC 16.240	Unlawful Assembly
CALJIC 16.241	Participation in Unlawful Assembly
CALJIC 16.250	Refusal to Disperse When Ordered
CALJIC 16.251	Refusal to Disperse When Ordered—“Lawful Warning”—Defined
CALJIC 16.252	“Rout”—Defined
CALJIC 16.253	Participation in a Rout
CALJIC 16.260	Breach of Peace
CALJIC 16.261	Breach of Peace—Definition of Terms Used
CALJIC 16.262	Breach of Peace—Intent to Provoke Violence Not Necessary
CALJIC 16.280	Disturbing the Peace—College
CALJIC 16.290	Exhibiting Firearm/Deadly Weapon
CALJIC 16.292	Exhibiting Imitation Firearm
CALJIC 16.293	Possession of a Deadly Weapon With Intent to Assault
CALJIC 16.294	Grossly Negligent Discharge of BB Device
CALJIC 16.300	Petty Theft
CALJIC 16.301	Misdemeanor Shoplifting
CALJIC 16.302	Misdemeanor Forgery
CALJIC 16.303	Misdemeanor NSF Checks
CALJIC 16.305	Unlawful Taking of a Bicycle, Motorboat or Vessel
CALJIC 16.320	Vandalism
CALJIC 16.325	Cruelty to Animals
CALJIC 16.330	Entering Land to Interfere With Business
CALJIC 16.340	Entering and Occupying Real Property
CALJIC 16.350	Unauthorized Entry of Property
CALJIC 16.351	Burglary—Possession of Burglary Tools
CALJIC 16.400	Lewd Conduct
CALJIC 16.401	Lewd Conduct—“Public Place”—Defined
CALJIC 16.403	Lewd Conduct—“Solicit”—Defined
CALJIC 16.420	Disorderly Conduct
CALJIC 16.421	Disorderly Conduct with Person 18 Years of Age or Older
CALJIC 16.422	Disorderly Conduct with Minor
CALJIC 16.430	Disorderly Conduct—Drunk in Public Place
CALJIC 16.431	“Public Place”—Defined
CALJIC 16.440	Annoying or Molesting a Child
CALJIC 16.441	Annoying or Molesting Adult Believed to be Under 18
CALJIC 16.445	Loitering
CALJIC 16.447	Unlawful Peeking
CALJIC 16.448	Unlawful Electronic Recording to Arouse the Lusts of the Person Recording

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.

CALJIC 16.449	Unlawful Recording to View Body or Undergarments
CALJIC 16.449.1	Intentional Distribution of Private Sexual Images Knowing Distribution May Cause Emotional Distress
CALJIC 16.450	Loitering About School
CALJIC 16.455	Loitering for Prostitution
CALJIC 16.456	Loitering for Prostitution—How Intent Evidenced Factors to Consider
CALJIC 16.460	Concealed Weapons
CALJIC 16.470	Carrying Loaded Firearm
CALJIC 16.475	Permitting Another to Carry Loaded Firearm Within Motor Vehicle
CALJIC 16.498.1	Hanging a Noose on Private Property to Terrorize
CALJIC 16.498.2	Hanging a Noose on School Property, Park, or Place of Employment to Terrorize
CALJIC 16.499	Placing or Displaying a Symbol on Private Property to Terrorize
CALJIC 16.500	Interference With Civil Rights—Threat of Force to Person
CALJIC 16.501	Interference With Civil Rights—Damage to Property
CALJIC 16.505	Spoilation of Evidence
CALJIC 16.510	Planting or Manufacturing Evidence
CALJIC 16.510.1	—Crimes on or after January 1, 2017
CALJIC 16.531	Aggravated Trespass
CALJIC 16.540	Unlawful Possession of Personal Identifying Information
CALJIC 16.550	Intentional Harassment of Child
CALJIC 16.552	Unpermitted Use of Computer Services
CALJIC 16.553	Unpermitted Provision of Access to a Computer
CALJIC 16.554	Unpermitted Access to a Computer
CALJIC 16.555	Introducing Computer Containment Into Any Computer
CALJIC 16.556	Unpermitted Use of Internet Domain Name to Damage Any Computer
CALJIC 16.557	Unpermitted Provision of Access to a Computer or Public Safety Infrastructure Computer
CALJIC 16.558	Introducing Computer Containment Into Public Safety Infrastructure Computer
CALJIC 16.560	Extortion—Use of Documents Resembling Court Order or Process
CALJIC 16.561	Extortion—Publication and Sale of Documents Resembling Court Order or Process

D. VEHICLE CODE

CALJIC 16.602	“Highway” or “Street”—Defined
CALJIC 16.620	Tampering With Vehicle
CALJIC 16.630	Driving Without Being Licensed
CALJIC 16.631	Licensed Driver—Burden of Proof
CALJIC 16.632	Failure to Present License Upon Demand
CALJIC 16.640	Driving When License Suspended or Revoked
CALJIC 16.641	Inference of Knowledge of Suspension or Revocation of Driver’s License
CALJIC 16.650	Misdemeanor Hit and Run
CALJIC 16.652	Misdemeanor Hit and Run—Driver’s Duty Not Affected by Blame for Accident
CALJIC 16.830.01	Misdemeanor Driving Under the Influence of an Alcoholic Beverage
CALJIC 16.830.02	Misdemeanor Driving Under the Influence of any Drug
CALJIC 16.830.03	Misdemeanor Driving Under the Combined Influence of Any Drug or Alcohol
CALJIC 16.830.04	Misdemeanor Driving While Addicted
CALJIC 16.830.05	Misdemeanor Driving With 0.04 Percent Blood Alcohol

TABLE OF INSTRUCTIONS

Inst. No.

CALJIC 16.830.1	Misdemeanor Driving With 0.08 Percent Alcohol
CALJIC 16.831	Alcohol or Drug Influenced Driving—"Under the Influence"—Defined
CALJIC 16.831.1	Driving Vehicle While Addicted—Addiction Defined
CALJIC 16.832	Alcoholic or Drug Influenced Driving—Under the Influence Relates to Condition of Driver
CALJIC 16.835	Liquor Influenced Driving—Refusal to Take Sobriety Test—Consciousness of Guilt
CALJIC 16.840	Reckless Driving
CALJIC 16.841	Reckless Driving—Speeding as Constituting
CALJIC 16.842	Reckless Driving Causing Bodily Injury to Person Other than Driver
CALJIC 16.860	Speed Contest
CALJIC 16.870	Exhibition of Speed
CALJIC 16.880	Violation of Promise to Appear
CALJIC 16.890	Flight From Pursuing Peace Officer

E. REVENUE AND TAXATION CODE

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

PART 17 CONCLUDING INSTRUCTIONS

A. MULTIPLE DEFENDANTS, COUNTS AND OFFENSES

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

B. LESSER OFFENSE OR DEGREE

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

C. PUNISHMENT ENHANCEMENT/PROBATION DENIAL FINDINGS

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

CALIFORNIA JURY INSTRUCTIONS—CRIMINAL

Inst. No.

CALJIC 17.18.1	Defendant Served Prior Term in Prison—Bifurcated Trial
CALJIC 17.19	Personal Use of Firearm
CALJIC 17.19.1	Personal Use of Firearm or Deadly Weapon—Sex Crimes
CALJIC 17.19.5	Intentional and Personal Discharge of Firearm/Great Bodily Injury
CALJIC 17.20	Infliction of Great Bodily Injury
CALJIC 17.20.01	Infliction of Great Bodily Injury—Comatose or Paralysis
CALJIC 17.20.02	Infliction of Great Bodily Injury—Victim Under 5 Years of Age or 70 or Older
CALJIC 17.20.03	Infliction of Great Bodily Injury—Domestic Violence
CALJIC 17.20.1	Infliction of Great Bodily Injury—Sex Crimes
CALJIC 17.21	Finding for Health and Safety Code § 11370.4/11379.8 Sentence Enhancements
CALJIC 17.22	Possession for Sale/Offering to Sell/Sale of 14.25 Grams or More
CALJIC 17.23	Previous Conviction and Personally Armed in Commission of Felony or Unlawfully Armed at Arrest
CALJIC 17.24	Enhancements
CALJIC 17.24.01	Committing New Felony While on Conditional Release From Other Felony
CALJIC 17.24.1	Miscellaneous Enhancement or Probation Denial Allegations
CALJIC 17.24.2	Felonies Committed for the Benefit of Street Gangs
CALJIC 17.24.3	Collective Engagement
CALJIC 17.24.4	Evidence of Gang Activity—Limiting Instruction
CALJIC 17.24.5	Felony Interference With Civil Rights
CALJIC 17.24.6	Aggravating Circumstances—Jury Duty to Find—Unitary Trial
CALJIC 17.24.7	Aggravating Circumstances—Jury Duty to Find—Bifurcated Trial

D. FINDING PRIOR CONVICTION

CALJIC 17.25	Prior Conviction of Felony—Jury Duty to Find
CALJIC 17.26	Jury Duty to Find Prior Felony—Bifurcated Trial
CALJIC 17.26.1	Prior Conviction
CALJIC 17.26.2	Aggravated Kidnapping
CALJIC 17.26.3	Mayhem or Torture
CALJIC 17.26.4	First Degree Burglary
CALJIC 17.26.5	In Concert Allegations
CALJIC 17.26.6	Personal Infliction of Great Bodily Injury
CALJIC 17.26.7	Personal Infliction of Bodily Injury Upon Victim Under Age of Fourteen Years
CALJIC 17.26.8	Kidnapping
CALJIC 17.26.9	Burglary
CALJIC 17.26.10	Personal Use of Dangerous or Deadly Weapon or Firearm
CALJIC 17.26.11	Multiple Victims
CALJIC 17.26.12	Tying or Binding of Victim or Another Person
CALJIC 17.26.13	Administering of Controlled Substance to Victim
CALJIC 17.26.14	Crimes in Concert, Crimes of Other Participants
CALJIC 17.29	Willful Refusal to Take or Complete Tests Regarding Driving Under the Influence
CALJIC 17.29.1	Implied Consent—Choice of Tests

E. JURY CAUTIONARY INSTRUCTIONS

CALJIC 17.30	Jury Not to Take Cue From the Judge
CALJIC 17.31	All Instructions Not Necessarily Applicable

TABLE OF INSTRUCTIONS

Inst. No.

CALJIC 17.32 Judge's Comment on Evidence

F. JURORS' DUTIES

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

G. CONCLUDING INSTRUCTIONS

CALJIC 17.49 Use of Multiple Verdict Forms—Implied Acquittal-First
CALJIC 17.50 Concluding Instruction
CALJIC 17.51 Substitution of Juror After Deliberations Begun
CALJIC 17.51.1 Substitution of Juror During or for Penalty Phase
CALJIC 17.52 Separation Admonition
CALJIC 17.53 Admonition to Alternate Jurors
CALJIC 17.54 Electronic Communication Devices—Prohibition
CALJIC 17.60 Post Verdict Juror Admonition/Order