

## NOTICE TO THE BAR

### UPDATES TO MODEL CRIMINAL JURY CHARGES

The Supreme Court Committee on Model Criminal Jury Charges has issued the following Model Criminal Jury Charges. All Model Criminal Jury Charges, including these new or revised charges, are available for downloading from the Judiciary's Internet website at <https://www.njcourts.gov/courts/criminal/model-criminal-jury-charges>. These updates to the model charges are also included on the Judiciary's "Automated Model Criminal Jury Charges System," at <https://www.njcourts.gov/criminal/apps/jurycharges/DefaultExternal.aspx>

**N.J.S.A. 2C:11-4(a)                      Aggravated Manslaughter (08/18/2025)**

**N.J.S.A. 2C:11-3(a)(1),(2);            Murder and Aggravated/Reckless  
N.J.S.A. 2C:11-4(a), (b)(1)            Manslaughter (08/18/2025)**

**N.J.S.A. 2C:11-3(a)(1), (2);            Murder, Passion/Provocation and  
N.J.S.A. 2C:11-4(a), (b)(1),            Aggravated/Reckless Manslaughter  
N.J.S.A. 2C:11-4(a), (b)(1),            (08/18/2025)  
(b)(2)**

A footnote has been added to each of these three charges to instruct that when a defendant is charged with aggravated manslaughter by vehicle, as well as vehicular homicide, the court must instruct on reckless manslaughter as a lesser-included offense of aggravated manslaughter, as discussed in State v. Hahn, 472 N.J. Super. 349, 377 (App. Div. 2022).

**Non 2C                                      Opinion Testimony Relating to Age  
(08/18/2025)**

A new charge has been created for witnesses offering opinion testimony about a person's age, as discussed in State v. Gerena, 249 N.J. 304, 307 (2021).

**N.J.S.A. 2C:39-2**

**Possession of Firearms, Weapons, Destructive Devices, Silencers or Explosives in a Vehicle (08/18/2025)**

This charge has been amended to remove “more probable than not” language, and language underscoring State’s obligation to prove count beyond a reasonable doubt as discussed in State v. Williams, 254 N.J. 8, 47 (2023), has been added.

**Non 2C**

**Expert Testimony (08/18/25)**

This charge has been amended to be consistent with a new charge relating to opinion testimony about age as discussed in State v. Gerena, 249 N.J. 304 (2021). A paragraph underscoring the jury’s role as sole factfinders and their ability to determine the weight afforded to testimony has been added.

**N.J.S.A. 2C:28-5(d)**

**Witness/Informant Bribery (08/18/25)**

A new charge has been created for Witness/ Informant Bribery.

**N.J.S.A. 2C:40-26**

**Operating a Vehicle During Period of License Suspension (08/18/2025)**

This charge has been amended to include a definition of vehicle “operation.”

**Non 2C**

**Video Narration Testimony (08/18/2025)**

A new charge has been created for the introduction of video narration testimony, in response to State v. Watson, 254 N.J. 558, 569 (2023).

**Non 2C**

**Drug Recognition Expert (DRE) Testimony (08/18/2025)**

A new charge has been created for the offering of Drug Recognition Expert (DRE) testimony, in response to State v. Olenowski, 255 N.J. 529 (2023).

**N.J.S.A. 2C:12-3(a)**

**Terroristic Threats (08/18/2025)**

This charge has been amended to remove the terms “heedlessly” and “foolhardily” from the subjective recklessness standard and clarifies that the objective standard pertains to an “ordinary person similarly situated to [victim],” as discussed in State v. Fair, 256 N.J. 213 (2024).

**N.J.S.A. 2C:11-3(b)(4);  
N.J.S.A. 2C:11-4(a), (b)(1),  
(b)(2)**

**Murder (Own Conduct), Passion/Provocation,  
Aggravated/Reckless Manslaughter  
(verdict sheet only) (08/18/2025)**

**N.J.S.A. 2C:11-3(b)(4);  
N.J.S.A. 2C:11-4(a), (b)(1)**

**Murder (Own Conduct), Aggravated/Reckless  
Manslaughter (verdict sheet only) (08/18/2025)**

The verdict sheets for these charges have been amended to provide clearer direction to the jury. Footnote 1 has been added detailing the need to present to the jury question(s) regarding the “own conduct” triggering factor and relevant aggravating factor(s) that must be found beyond a reasonable doubt.

**Non 2C**

**Witness Pretrial Preparation (08/18/2025)**

A new charge has been created regarding witness pretrial preparation, including that which relates to identification, as discussed in State v. Washington, 253 N.J. 186 (2023).

**Non 2C**

**Playback of Video Footage Evidence (08/18/2025)**

A new charge has been created regarding the playback of video footage evidence, as discussed in State v. Knight, 259 N.J. 407 (2024), and State v. Knight, 477 N.J. Super. 400 (App. Div. 2023).

**N.J.S.A. 2C:44-3(a)**

**Persistent Offender (08/18/2025)**

A new charge has been created for “persistent offenders,” as discussed in Erlinger v. United States, 602 U.S. 821 (2024) and State v. Carlton, 480 N.J. Super. 311 (App. Div. 2024).

<b>N.J.S.A. 2C:14-2(c)(1)</b>	<b>Sexual Assault (08/18/2025)</b>
<b>N.J.S.A. 2C:14-3b</b>	<b>Criminal Sexual Contact (08/18/2025)</b>
<b>N.J.S.A. 2C:14-2(a)(5)</b>	<b>Aggravated Sexual Assault (08/18/2025)</b>
<b>N.J.S.A. 2C:14-2(a)(6)</b>	<b>Aggravated Sexual Assault (08/18/2025)</b>
<b>N.J.S.A. 2C:13-4a (N.J.S.A. 2C:14-2a-(5))</b>	<b>Aggravated Criminal Sexual Contact (08/18/2025)</b>
<b>N.J.S.A. 2C:13-4a (N.J.S.A. 2C:14-2a-(6))</b>	<p><b>Aggravated Criminal Sexual Contact (08/18/2025)</b></p> <p>These charges have been amended to account for statutory changes and to make the Sexual Assault and Criminal Sexual Contact charges consistent with each other.</p> <ul style="list-style-type: none"> <li>• “Physical force” language has been removed and language regarding committing assault “without the victim’s affirmative and freely-given permission” is added to each charge.</li> <li>• Element regarding victims between a certain age where a defendant is a school employee has been added to Criminal Sexual Contact (N.J.S.A. 2C:14-3b).</li> <li>• “Incapacitating mental anguish” definition has been added to Aggravated Sexual Assault (N.J.S.A. 2C:14-2(a)(6)).</li> </ul>
<b>N.J.S.A. 2C:18-2</b>	<b>Burglary (08/18/2025)</b>
<b>N.J.S.A. 2C:18-2.1</b>	<b>Home Invasion Burglary (08/18/2025)</b>
<b>N.J.S.A. 2C:18-2.2</b>	<p><b>Residential Burglary (08/18/2025)</b></p> <p>These three new charges have been created after the burglary statute was amended and separated into three separate crimes: non-residential</p>

burglary, residential burglary, and home invasion burglary.

**N.J.S.A. 2C:3-4**

**Justification – Self Defense in Self Protection  
(08/18/2025)**

This charge has been amended and a new model verdict sheet created to address concerns raised in State v. Martinez, 480 N.J. Super. 470 (App. Div. 2025) regarding clarifying for the jury that a finding of self-defense is applicable to all homicide-related charges. Additionally, a definition has been added for “dwelling” in response to the Court’s decision in State v. Bragg, 260 N.J. 387 (2025).

Questions regarding these new and revised Model Criminal Jury Charges may be directed to the Criminal Practice Division, Administrative Office of the Courts, Hughes Justice Complex, P.O. Box 982, Trenton, New Jersey 08625; telephone 609-815-2900 ext. 55300, or by email at [AOC-CrimPrac.mbx@njcourts.gov](mailto:AOC-CrimPrac.mbx@njcourts.gov).

/s/ Michael J. Blee

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Acting Administrative Director of the Courts

Dated: August 18, 2025