

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/attorneys/criminalcharges.html>. These updates to the model charges are also included on the Judiciary's "Automated Model Criminal Jury Charges System," at <https://www.judiciary.state.nj.us/criminal/apps/jurycharges/DefaultExternal.aspx>.

N.J.S.A. 2C:21-42

Filing/Recording Lien Against Public Official with Knowledge of its Falsity; and Filing/Recording Lien Against Public Official with Intent to Harass, Defraud, Retaliate, Impede Performance (2/12/18)
These two charges are new.

N.J.S.A. 2C:34-1(b)(2)

Promotes Prostitution (2/12/18)
This is a new charge.

N.J.S.A. 2C:34-1(b)(5)

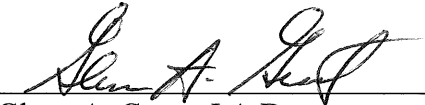
Compelling Another to Engage in or Promote Prostitution (2/12/18)
This charge was revised to incorporate the instructions on a permissive inference in the body of the charge rather than in a footnote.

**N.J.S.A. 2C:39-7(a);
N.J.S.A. 2C:39-7(b)(1);
N.J.S.A. 2C:39-7(b)(2)**

**Certain Persons Not to Have any Weapons;
Certain Persons Not to Have Any Firearms; and
Certain Persons Not to Have Firearms Disorderly Persons
Offense/Domestic Violence (2/12/18)**

These three charges were revised in accordance with the Supreme Court's request in State v. Bailey, 231 N.J. 474 (2018). In Bailey, the Court held that a "certain persons" conviction cannot stand without proof that a defendant has been previously convicted of an offense specifically enumerated in the "certain persons" statute. The Court further advised that when a defendant does not stipulate to the predicate offense, the State shall produce evidence of the predicate offense: the judgment of conviction with the unredacted nature of the offense, the degree of offense, and the date of conviction. Id. at 490-91. The third element of these charges was revised to comply with this holding. Guidance was also added in a footnote on the first page of these charges to address when the defendant stipulates to the predicate offense. In these instances, the defendant's stipulation must be "a knowing and voluntary waiver of rights, placed on the record in defendant's presence; the prosecution is limited to announcing to the jury that the defendant has committed an offense that satisfies the statutory predicate-offense element." Id. at 488.

Questions regarding these new and revised model criminal jury charges may be directed to Maria Pogue, Assistant Chief, Criminal Practice Division, Administrative Office of the Courts, Hughes Justice Complex, P.O. Box 982, Trenton, New Jersey 08625; telephone 609-815-2900 ext. 55317.



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