

## 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.njcourts.gov/criminal/apps/jurycharges/DefaultExternal.aspx>

**N.J.S.A. 2C:2-1**

**Possession (6/11/18)**

This model charge was revised to include a "mere presence" section within the "Constructive Possession" portion for possessory offenses, in accordance with State v. Randolph, 228 N.J. 566 (2018). The instructions advise that "Defendant's mere presence at or near a place where [contraband] is/are discovered is not in itself, without more, proof beyond a reasonable doubt that defendant was in constructive possession of [that contraband]. It is, however, a circumstance to be considered with the other evidence in determining whether the State has proven possession of the [contraband] beyond a reasonable doubt."

**N.J.S.A. 2C:2-6**

**Liability for Another's Conduct (6/11/18)**

These two model charges were revised to include a footnote to State v. Randolph, *supra*, and a reference to the "Possession" model charge for instructions on "mere presence" as specifically applied to possessory offenses.

**N.J.S.A. 2C:12-1(b)(5)(j)**

**Aggravated Assault – Health Care Worker (Attempting to Cause or Purposely, Knowingly or Recklessly Causing Bodily Injury (6/11/18)**

This is a new model charge.

**N.J.S.A. 2C:12-1(b)(5)(k)**

**Aggravated Assault – Direct Care Worker (Attempting to Cause or Purposely, Knowingly or Recklessly Causing Bodily Injury (6/11/18)**

Minor stylistic changes were made to this model charge for consistency with the new Health Care Worker charge.

**N.J.S.A. 2C:20-25(a)**

**Computer Criminal Activity – Access (6/11/18)**

**N.J.S.A. 2C:20-25(b)**

**Computer Criminal Activity – Alters (6/11/18)**

**N.J.S.A. 2C:20-25(c)**

**Computer Criminal Activity – Accesses to Defraud (6/11/18)**

**N.J.S.A. 2C:20-25(e)**

**N.J.S.A. 2C:20-25(f)**

**Computer Criminal Activity - Obtains (6/11/18)**

**Computer Criminal Activity – Recklessly Alters (6/11/18)**

These five model charges are new.

**N.J.S.A. 2C:28-7(c)**

**Tampering with Public Records or Information (Recording Devices in Patrol Vehicles (6/11/18)**

This is a new model charge.

**N.J.S.A. 2C:39-5(b)**

**Unlawful Possession of a Handgun (Second and Third Degree) (6/11/18)**

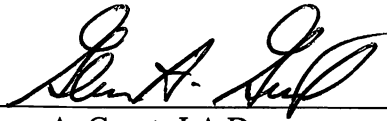
The prior model charge was revised to separate the second and third degree offenses into two separate model charges. The “mere presence” section of the revised “Possession” model charge, noted above, was also included in this charge.

**N.J.S.A. 2C:39-5(j)**

**Unlawful Possession of a Handgun– Prior NERA Conviction (First Degree) (6/11/18)**

This is a new model charge.

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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