

## 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:3-4**

**Justification – Self Defense in Self Protection  
(11/13/2023)**

“Reasonable belief” definition added in “Non-Deadly Force” section as discussed in State v. Evans, No. A-4133-18, 2021 N.J. Super. Unpub. LEXIS 1760 (App. Div. Aug. 18, 2021).  
Numbered elements added to “Deadly Force” section.

**N.J.S.A. 2C:12-1(b)(13)**

**Aggravated Assault – Strangulation of a Victim  
of Domestic Violence (11/13/2023)**

A new charge is created for the crime of strangulation, which was added to the aggravated assault statute by the Legislature in November 2017.

**N.J.S.A. 2C:35-10.5(a)(3)**

**Possession of a Prescription Legend Drug with  
Intent to Distribute (11/13/2023)**

A new charge is created relative to prescription legend drugs.

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

**Unlawful Possession of a Weapon (11/13/2023)**

Footnote 4 is added based on State v. Oguta, 468 N.J. Super. 100 (App. Div. 2021). A footnote is added, rather than a new charge, given the rare circumstance in which self-defense would be a justification to a charged violation of N.J.S.A. 2C:39-5(d).

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

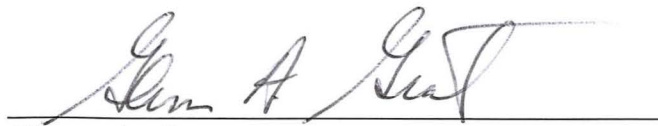
**Certain Persons Not to Have Weapons (11/13/2023)**

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

**Certain Persons Not to Have Firearms (11/13/2023)**

These charges are amended to account for the predicate offenses for a certain persons charge and conviction that were added by the Legislature in July 2019. Additional predicate offenses are added to footnotes and language relative to “mere presence,” as detailed in State v. Randolph, 228 N.J. 566 (2017), is also added.

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).



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Dated: November 13, 2023