



**FROM THE COMMITTEE
ON MODEL CRIMINAL
JURY INSTRUCTIONS**

=====

The Committee on Model Criminal Jury Instructions solicits comment on the following proposal by March 1, 2025. Comments may be sent in writing to Christopher M. Smith, Reporter, Committee on Model Criminal Jury Instructions, Michigan Hall of Justice, P.O. Box 30052, Lansing, MI 48909-7604, or electronically to MCrimJI@courts.mi.gov.

=====

PROPOSED

The Committee proposes a new jury instruction, M Crim JI 15.18a (Moving Violation in a Work Zone or School Bus Zone Causing Death or Injury), for the offense of committing a moving traffic violation in a work zone or school bus zone that results in death or injury, as defined in MCL 257.601b. This instruction is entirely new.

**[NEW] M Crim JI 15.18a Moving Violation in a Work Zone or
School Bus Zone Causing Death or Injury**

(1) [The defendant is charged with the crime / You may consider the lesser charge¹] of committing a moving traffic violation in a [work / school bus] zone that caused [the death of / an injury to] a person. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant operated a motor vehicle.² To operate means to drive or have actual physical control of the vehicle.

(3) Second, that, while operating the motor vehicle, the defendant committed a moving violation by [*describe the moving violation that carries a 3 or more point penalty under MCL 257.320a*].

(4) Third, that when [he / she] committed the violation, the defendant was in a [work / school bus] zone:

[*Select from the following:*]

- (a) A work zone is a portion of a street or highway that is between a “work zone begins” sign and an “end road work” sign.
- (b) If construction, maintenance, or utility work activities were being conducted by a work crew and more than one moving vehicle, a work zone is a portion of a street or highway between a “begin work convoy” sign and an “end work convoy” sign.
- (c) If construction, maintenance, surveying, or utility work activities were conducted by a work crew and one moving or stationary vehicle exhibiting a rotating beacon or strobe light, a work zone is a portion of a street or highway between the following points:
 - (i) 150 feet behind the rear of the vehicle or the point from which the beacon or strobe light is first visible on the street or highway behind the vehicle, whichever is the point closest to the vehicle, and
 - (ii) 150 feet in front of the front of the vehicle or the point from which the beacon or strobe light is first visible on the street or highway in front of the vehicle, whichever is the point closest to the vehicle.
- (d) A “school bus zone” is the area within 20 feet of a school bus that has stopped and is displaying two alternately flashing red lights at the same level.³

(5) Fourth, that by committing the moving violation, the defendant caused [the death of (*name deceased*) / (*name injured person*) to suffer an injury⁴]. To cause [the death of (*name deceased*) / such injury to (*name injured person*)], the defendant’s moving violation must have been a factual cause of the [death / injury], that is, but for committing the moving violation, the [death / injury] would not have occurred. In addition, the [death / injury] must have been a direct and natural result of committing the moving violation.

[(6) Fifth, that the [death / injury] was not caused by the negligence of (*name deceased* / *name injured person*) in the work zone or school bus zone.

Negligence is the failure to use ordinary care like a reasonably careful person would do under the circumstances. It is up to you to decide what a reasonably careful person would or would not do.⁵]⁶

Use Note

1. Use when instructing on this crime as a lesser offense.

2. The term *motor vehicle* is defined in MCL 257.33.
3. A *school bus zone* is defined in MCL 257.601b(5)(c) and does not include the opposite side of a divided highway per MCL 257.682(2).
4. The word *injury* is not statutorily defined.
5. This definition of *negligence* is drawn generally from M Civ JI 10.02 (Negligence of Adult – Definition).
6. Read this paragraph only where the defense has introduced evidence of negligence by the deceased or injured person. This appears to be an affirmative defense under MCL 257.601b(4).