



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

The Committee on Model Criminal Jury Instructions has adopted the following amended model criminal jury instruction, M Crim JI 15.18, used where a moving violation causing death or serious injury has been charged. The instruction combines M Crim JI 15.18 and 15.19, and clarifies that the commission of a moving violation must be the cause of death per *People v Czuprynski*, 325 Mich App 449 (2018). This instruction is effective September 1, 2019.

**[AMENDED] M Crim JI 15.18 Moving Violation Causing Death or
Serious Impairment of a Body
Function**

(1) [The defendant is charged with the crime / You may consider the lesser charge¹] of committing a moving traffic violation that caused [death / serious impairment of a body function]. 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. To operate means to drive or have actual physical control of the vehicle.

(3) Second, that the defendant operated the vehicle on a highway or other place open to the public or generally accessible to motor vehicles [including any designated parking area].

(4) Third, that, while operating the motor vehicle, the defendant committed a moving violation by: [*describe the moving violation*].

(5) Fourth, that by committing the moving violation, the defendant caused [the death of (*name deceased*) / (*name injured person*) to suffer a serious impairment of a body function²]. 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.

Use Note

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

2. MCL 257.58c, provides that serious impairment of a body function includes, but is not limited to, one or more of the following:

- (a) Loss of a limb or loss of use of a limb.
- (b) Loss of a foot, hand, finger, or thumb or loss of use of a foot, hand, finger, or thumb.
- (c) Loss of an eye or ear or loss of use of an eye or ear.
- (d) Loss or substantial impairment of a bodily function.
- (e) Serious visible disfigurement.
- (f) A comatose state that lasts for more than 3 days.
- (g) Measurable brain or mental impairment.
- (h) A skull fracture or other serious bone fracture.
- (i) Subdural hemorrhage or subdural hematoma.
- (j) Loss of an organ.

History

M Crim JI 15.18 (formerly CJI2d 15.18) was adopted by the Committee in September, 2010, for use with MCL 257.601d(1), added by 2008 PA 463, effective October 31, 2010. Amended in September 2019 in accord with *People v Czuprynski*, 325 Mich App 449, 926 NW2d 282 (2018), and combining M Crim JI 15.19.

Reference Guide

Statutes

MCL 257.601d(1).

Case Law

People v Tims, 449 Mich 83, 534 NW2d 675 (1995); *People v Czuprynski*, 325 Mich App 449, 926 NW2d 282 (2018).

M Crim JI 15.19 Moving Violation Causing Serious Impairment of a Body Function [Use for Acts Committed on or After October 31, 2010] [*deleted*]

Note. This instruction was deleted by the committee in September, 2019, because it was combined with M Crim JI 15.18.