



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

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The Committee on Model Criminal Jury Instructions solicits comment on the following proposal by August 1, 2021. Comments may be sent in writing to Samuel R. 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 .

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PROPOSED

The Committee proposes a new instruction, M Crim JI 25.7 [Trespassing], for the crimes delineated in MCL 750.552.

[NEW] M Crim JI 25.7 Trespassing

- (1) The defendant is charged with trespassing. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:
- (2) First, that *[name complainant]* owned or legally occupied property located at *[provide property address or location]*.

[Select from the following three options according to the charge and the evidence:]

- (3) Second, that *[name complainant or agent]* told the defendant *[he / she]* could not come onto the property.
- (4) Third, that the defendant entered on the property after being forbidden to do so.

[or]

- (3) Second, that the defendant was on the property owned or occupied by *[name complainant]*.
- (4) Third, that *[name complainant or agent]* told the defendant *[he / she]* had to leave the property.

(5) Fourth, that the defendant remained on the property after being directed to depart.

(6) Fifth, that the defendant had no legal authority to remain on the property.¹

[*or*]

(3) Second, that the property was farm property.

(4) Third, that the property was fenced or posted with signs that forbid entry on the property.

(5) Fourth, that the defendant entered on the property without having obtained permission from [*name complainant or agent*].

[Provide the following element only when the defendant offers the defense of being a process server serving process and provides evidence in support of that defense. The paragraph numbers correspond to the respective options above:]

(5 / 7 / 6) [Fourth / Sixth / Fifth], that the defendant was not a process server attempting to serve legal documents on an owner, occupant, or lessee of the property, or on an agent of an owner, occupant, or lessee.

Use Note

1. Read this only when the defendant presents some evidence that he or she had a legal right to remain on the premises.