



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

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The Committee on Model Criminal Jury Instructions solicits comment on the following proposals by January 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](mailto:MCrimJI@courts.mi.gov) .

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**PROPOSED**

The Committee proposes new instructions, M Crim JI 39.7 and 39.7a, for the crimes found in MCL 750.411a(2) of falsely reporting an offense involving explosives and of falsely reporting an offense involving of harmful substances or poisons, respectively.

**[NEW] M Crim JI 39.7 False Report of Explosive Offenses**

(1) The defendant is charged with making a false report that a crime involving explosives had occurred. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant [communicated / caused (another person / *identify person who made report*) to communicate] with [*identify recipient(s) of communication*] by speech, writing, gestures, or conduct.

(3) Second, that during the course of the communication, [the defendant / the other person / *identify person who made report*)] reported that [dynamite, nitroglycerine, fulminate in bulk in dry condition, or any other explosive substance that explodes by concussion or friction had been ordered, sent, taken, transported, conveyed, or carried concealed as freight or baggage, on a passenger boat, railroad car, motor vehicle, or other vehicle used to carry passengers or articles of commerce<sup>1</sup> / a person sent, took, or carried, or attempted to order, send, take, or carry dynamite, nitroglycerine or any other explosive substance that explodes by concussion or

friction, concealed in any manner, either as freight or baggage, on a passenger boat, railroad car, motor vehicle, or other vehicle used to carry passengers<sup>2</sup> / an explosive substance or any other dangerous thing had been sent with the intent to frighten, terrorize, intimidate, threaten, harass, injure, or kill any person, or with the intent to damage or destroy any real or personal property<sup>3</sup> / a person constructed a device that appeared to be a bomb or an explosive or incendiary device<sup>4</sup> / an explosive material was handled or being handled by an intoxicated person<sup>5</sup> / an explosive substance had been placed in or near any real or personal property with the intent to frighten, terrorize, intimidate, threaten, harass, injure, or kill any person, or with the intent to damage or destroy any real or personal property<sup>6</sup> / a person possessed an explosive substance or device in a public place with intent to frighten or intimidate<sup>7</sup> / a person carried or possessed an explosive or combustible substance with intent to frighten, terrorize, intimidate, threaten, harass, injure, or kill any person, or with the intent to damage or destroy any real or personal property, without the permission of the property owner or governmental agent, if it is public property<sup>8</sup> / a person manufactured, bought, sold, furnished, or possessed a Molotov cocktail or any similar device with the intent to frighten, terrorize, intimidate, threaten, harass, injure, or kill any person, or with the intent to damage or destroy any real or personal property<sup>9</sup> / a person manufactured, bought, sold, furnished, or possessed a device designed to explode or that would explode upon impact or with the application of heat or a flame or that is highly incendiary, with the intent to frighten, terrorize, intimidate, threaten, harass, injure, or kill any person, or with the intent to damage or destroy any real or personal property<sup>10</sup> / a person manufactured, sold, kept, or offered for sale any unbranded or unmarked or falsely branded or falsely marked high explosive<sup>11</sup> / a death resulted from placing gun powder or any other explosive substance in, on, under, against, or near a building<sup>12</sup>].

(4) Third, that the report was false.

(5) Fourth, that when the defendant [made the report / caused the report to be made], [he / she] knew it was false.

*Use Note*

1. MCL 750.201
2. MCL 750.327
3. MCL 750.204
4. MCL 750.204a
5. MCL 750.204c
6. MCL 750.207

7. MCL 750.209a
8. MCL 750.210
9. MCL 750.211a(1)(a)
10. MCL 750.211a(1)(b)
11. MCL 750.212
12. MCL 750.328

**[NEW] M Crim JI 39.7a False Report of Poisoning or Harmful Substances Offenses**

(1) The defendant is charged with making a false report [of poisoning / concerning harmful substances]. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant [communicated / caused (another person / *identify person who made report*) to communicate] with [*identify recipient(s) of communication*] by speech, writing, gestures, or conduct.

(3) Second, that during the course of the communication, [the defendant / the other person / *identify person who made report*)] reported that [a person manufactured, delivered, possessed, transported, placed, used, or released (a harmful biological substance or a harmful biological device / a harmful chemical substance or a harmful chemical device / a harmful radioactive material or a harmful radioactive device / a harmful electronic or electromagnetic device)<sup>1</sup> / a person manufactured, delivered, possessed, transported, placed, used, or released (a chemical irritant or a chemical irritant device / a smoke device / an imitation harmful substance or device)<sup>2</sup> / a person made another individual believe that (he / she) had been exposed to a harmful biological substance, harmful biological device, harmful chemical substance, harmful chemical device, harmful radioactive material, harmful radioactive device, or harmful electronic or electromagnetic device<sup>3</sup> / a person placed an offensive or injurious substance or compound\* in or near to any real or personal property intending to wrongfully injure or coerce another person, or to injure the property or business of another person, or to interfere with another person's use, management, conduct, or control of his or her business or property<sup>4</sup> / a person (placed pins, needles, razor blades, glass, or other harmful objects in any food with intent to harm the consumer of the food / placed a harmful substance in any food with intent to harm the consumer of the food / knowingly furnished food containing a harmful object or substance to another person)<sup>5</sup> / a person willfully (mingled a poison or harmful substance with a food, drink, nonprescription medicine, or pharmaceutical product / placed a poison or harmful substance in a spring, well, reservoir, or public water supply), knowing or having reason to know that it may be consumed or used by a person and result in injury<sup>6</sup> / a person had dishonestly told another individual that a poison or harmful substance had been or would be placed in a food, drink, nonprescription medicine, pharmaceutical product, spring, well, reservoir, or public water supply, knowing that the information was false and that it would likely be disseminated to the public<sup>7</sup>].

*[Provide definitions by selecting from paragraphs (a) through (i):]*<sup>8</sup>

(a) A “harmful biological device” means a device designed or intended to release a harmful biological substance.

(b) A “harmful biological substance” means a bacteria, virus, or other microorganism or a toxic substance derived from or produced by an organism that can be used to cause death, injury, or disease in humans, animals, or plants.

(c) A “harmful chemical device” means a device that is designed or intended to release a harmful chemical substance.

(d) A “harmful chemical substance” means a solid, liquid, or gas that through its chemical or physical properties, alone or in combination with 1 or more other chemical substances, can be used to cause death, injury, or disease in humans, animals, or plants.

(e) A “harmful radioactive material” means material that is radioactive and that can be used to cause death, injury, or disease in humans, animals, or growing plants by its radioactivity.

(f) A “harmful electronic or electromagnetic device” means a device designed to emit or radiate or that, as a result of its design, emits or radiates an electronic or electromagnetic pulse, current, beam, signal, or microwave that is intended to cause harm to others or cause damage to, destroy, or disrupt any electronic or telecommunications system or device, including, but not limited to, a computer, computer network, or computer system.

(g) “Harmful radioactive device” means a device that is designed or intended to release a harmful radioactive material.

(h) A “chemical irritant” means a solid, liquid, or gas that, through its chemical or physical properties, alone or in combination with one or more other substances, can be used to produce an irritant effect in humans, animals, or plants.

(i) A “chemical irritant device” means a device designed or intended to release a chemical irritant.

(4) Third, that the report was false.

(5) Fourth, that when the defendant [made the report / caused the report to be made], [he / she] knew it was false.

Use Note

1. MCL 750.200i

2. MCL 750.200j

3. MCL 750.200l

4. MCL 750.209

5. MCL 750.397a

6. MCL 750.436(1)(a)

7. MCL 750.436(1)(b)

8. MCL 750.200h

\* There is no statutory definition for an offensive or injurious substance or compound.