



**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 December 1, 2020. 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 new instructions, M Crim JI 40.1, 40.2 and 40.3, for disturbing-the-peace person offenses found in MCL 750.170 (disturbance of lawful meetings), MCL 750.169 (disturbing religious meetings), and MCL 750.167d (disturbing funerals), respectively.

[NEW] M Crim JI 40.1 Disturbing the Peace

- (1) The defendant is charged with disturbing the peace. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:
- (2) First, that the defendant was [in a (tavern / grocery / store / business place / manufacturing establishment / street, lane, alley, or highway / public building) / at (a park / an election / a public meeting where people were lawfully assembled)].
- (3) Second, that the defendant intentionally engaged in conduct that threatened public safety, threatened violence to other persons, disrupted the peace and quiet of other persons present, or interfered with the ability of other persons to perform legal actions or duties.¹ The defendant must have intentionally engaged in conduct that went beyond stating [his / her] position or opinion or expression of ideas.²

Use Note

1. *People v Mash*, 45 Mich App 459 (1973); *People v Weinberg*, 6 Mich App 345 (1967).
2. *People v Vandenberg*, 307 Mich App 57 (2014).

[NEW] M Crim JI 40.2 Disturbing Religious Meetings

(1) The defendant is charged with disturbing a religious meeting. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that a religious meeting was held or was going to be held on private property at [*describe location*].

(3) Second, that the defendant knew that people were meeting or were going to meet to pursue the exercise of religion at that location.

[*Select appropriate alternative(s):*]

(4) Third, that the defendant entered or attempted to enter the property with the intent to disrupt the meeting.

(5) Third, that the defendant remained or attempted to remain on the property after being instructed to leave with the intent to disrupt the meeting.

(6) Third, that the defendant obstructed or attempted to obstruct the entrance to or exit from the property with the intent to prevent or disrupt the meeting.

[NEW] M Crim JI 40.3 Disturbing Others at a Funeral

(1) The defendant is charged with disturbing people at a funeral. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that [a funeral, memorial service, or viewing of a deceased person / a funeral procession or burial] was taking place [in / at] [*describe location*].

(3) Second, that the defendant was within 500 feet of that [building / location].

[*Select appropriate alternative(s):*]

(4) Third, that the defendant intentionally made a statement or gesture, or engaged in conduct that would make a reasonable person attending that funeral, memorial service or viewing, procession, or burial feel intimidated, threatened or harassed.

(5) Third, that the defendant made a statement or gesture or engaged in conduct intending to incite or result in a breach of the peace, and that [his / her] statement, gesture, or conduct caused a breach of the peace among those attending the funeral, memorial service or viewing, procession, or burial.

The peace is breached when public safety is threatened, when violence is threatened, when the peace and quiet of other persons present is disrupted, or when there is interference with the ability of other persons to perform legal actions or duties.

(6) Third, that the defendant made a statement or gesture, or engaged in conduct intending to disrupt that funeral, memorial service or viewing, procession, or burial and did disrupt that funeral, memorial service or viewing, procession, or burial.