



**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 May 1, 2024. 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 two jury instructions, M Crim JI 40.7 (loitering where prostitution is practiced) and M Crim JI 40.7a (loitering where an illegal occupation or business is practiced or conducted) for the “loitering” crimes found in the Disorderly Person statute at MCL 750.167(i) and (j). The instructions are entirely new.

**[NEW]      M Crim JI 40.7                      Loitering Where Prostitution Is Practiced**

(1) The defendant is charged with the crime of loitering where acts of prostitution were taking place. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that acts of prostitution were allowed or being committed at [*provide location where prostitution was being performed*].

An act of prostitution is sexual conduct with another person for a fee or something of value.

(3) Second, that the defendant was present at that location and knew or learned that prostitution was allowed or being committed there.

(4) Third, that the defendant remained at [*provide location of illegal conduct*] without a lawful purpose<sup>1</sup> knowing that prostitution was allowed or being committed there.

*Use Note*

1. Lawful purposes could include, among other things, gathering information to report illegal conduct to the police or attempting to dissuade persons engaging in illegal conduct from continuing their illegal activity.

**[NEW] M Crim JI 40.7a Loitering Where an Illegal Occupation or Business Is Practiced or Conducted**

(1) The defendant is charged with the crime of loitering where an illegal occupation or business was being practiced or conducted. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that [*identify illegal occupation or business*]<sup>1</sup> was being practiced or conducted at [*provide location*].

(3) Second, that the defendant was present at that location and the defendant knew or learned that [*illegal occupation or business*] was being practiced or conducted.

(4) Third, that the defendant remained at [*location of illegal conduct*] without a lawful purpose<sup>2</sup> knowing that [*illegal occupation or business*] was being practiced or conducted there.

*Use Note*

1. Whether an *occupation or business* is illegal appears to be a question that is decided by the court. Whether that *occupation or business* was occurring at the location alleged is a question of fact for the jury.
2. Lawful purposes could include, among other things, gathering information to report an illegal business to the police or attempting to dissuade persons engaging in an illegal occupation from continuing their illegal activity.