



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

The Committee on Model Criminal Jury Instructions solicits comment on the following proposal by May 1, 2026. Comments may be sent in writing to Christopher M. 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.

PROPOSED

The Committee proposes a new instruction, M Crim JI 32.4 (Malicious Destruction of Trees or Plants), to address the crime set forth in MCL 750.382. This instruction is entirely new.

[NEW] M Crim JI 32.4 Malicious Destruction of Trees or Plants

(1) The defendant is charged with the crime of malicious destruction of trees or plants. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that there [was / was a / were] [tree(s) / shrub(s) / grass / turf / plant(s) / crop(s) / soil] [standing / growing / located] on land or property that did not belong to the defendant.

(3) Second, that the defendant [cut down / destroyed / damaged] the [tree(s) / shrub(s) / grass / turf / plant(s) / crop(s) / soil] [standing / growing / located] on that land or property without permission of the owner or possessor of the land or property.

(4) Third, that the defendant did this knowing that it was wrong, [without just cause or excuse,]¹ and with the intent to damage or destroy the [tree(s) / shrub(s) / grass / turf / plant(s) / crop(s) / soil].²

(5) Fourth, that the extent of the damage was³

[Choose only one of the following unless instructing on lesser offenses:]

(a) \$20,000 or more.

- (b) \$1,000 or more, but less than \$20,000.
- (c) \$200 or more, but less than \$1,000.
- (d) some amount less than \$200.

[Use the following paragraph only if applicable:]

[(6) You may add together damages caused in separate incidents if part of a scheme or course of conduct within a 12-month period when deciding whether the prosecutor has proved the amount required beyond a reasonable doubt.]

Use Notes

1. Use only where evidence supports a legally recognized defense that the destruction was done with just cause or is legally excused.
2. This is a specific intent crime.
3. M Crim JI 32.1, Fair Market Value Test—Malicious Destruction of Property, should be given when applicable.