



**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 amending M Crim JI 17.6 (Assault and Infliction of Serious Injury) to make the *mens rea* element more consistent with MCL 750.81a(1), as well as to account for the Legislature's recent addition of an enhanced fine for aggravated assaults against healthcare professionals. Deletions are in ~~striketrough~~, and new language is underlined.

**[AMENDED] M Crim JI 17.6 Assault and Infliction of Serious
Injury (Aggravated Assault)**

(1) [The defendant is charged with the crime of _____/ You may also consider the lesser charge of^f] assault and infliction of serious injury. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant ~~tried to physically injure another person~~ [assaulted² / assaulted and battered]³ [*name complainant*].

A battery is the forceful, violent, or offensive touching of a person or something closely connected with him or her.⁴

The touching must have been intended by the defendant, that is, not accidental, and it must have been against [*name complainant*]'s will.

An assault is an attempt to commit a battery or an act that would cause a reasonable person to fear or apprehend an immediate

battery. The defendant must have intended either to commit a battery or to make [name complainant] reasonably fear an immediate battery.⁵ [An assault cannot happen by accident.] At the time of an assault, the defendant must have had the ability to commit a battery, or must have appeared to have the ability, or must have thought [he / she] had the ability.

~~(3) — Second, that the defendant intended to injure [name complainant] [or intended to make (name complainant) reasonably fear an immediate battery].~~

~~(43) Third~~ Second, that the [assault / assault and battery] caused a serious or aggravated injury. A serious or aggravated injury is a physical injury that requires immediate medical treatment or that causes disfigurement, impairment of health, or impairment of a part of the body.⁶

[(4) Third, that the assault occurred when (name complainant) was performing (his / her) duties as a health professional or medical volunteer, and the defendant was not a patient receiving treatment from (name complainant).⁷]

Use Notes

1. Use when instructing on this crime as a lesser included offense.
2. Rarely, serious injury will result from an attempt to frighten. In that instance, a further or substitute instruction on assault should be given: “An assault is also any forceful or violent act done with the intention of frightening someone else. The act must be such as would cause a reasonable person to be afraid of being injured.”
3. Use either or both as warranted by the evidence.
4. If the victim’s consent or nature of the touching is at issue, use of M Crim JI 17.14, Definition of Force and Violence, or M Crim JI 17.15, Definition of Touching, is recommended.
5. All assaults are specific intent crimes. *People v Johnson*, 407 Mich 196; 284 NW2d 718 (1979).
6. This definition of *serious or aggravated injury* was approved in *People v Norris*, 236 Mich App 411, 415 n3; 600 NW2d 658 (1999).

7. Read this element when the prosecution seeks the enhanced fine under MCL 750.81a(1). See *Southern Union Co v United States*, 567 US 343, 356 (2012). *Health professional* and *medical volunteer* are defined in MCL 750.81a(5).