



**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 four new instructions on rioting offenses. M Crim JI 40.9 (Riot) addresses the crime set forth in MCL 752.541. M Crim JI 40.10 (Incitement to Riot) addresses the crime set forth in MCL 752.542. M Crim JI 40.10a (Incitement to Riot at Correctional Facility) addresses the crime set forth in MCL 752.542a. M Crim JI 40.11 (Unlawful Assembly) addresses the crime set forth in MCL 752.543. These instructions are entirely new.

[NEW] M Crim JI 40.9 Riot

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

(2) First, that the defendant and four or more other people acted together and with a common purpose to engage in violent conduct.

(3) Second, that when the defendant engaged in violent conduct, [he / she] either intended to place a segment of the public in fear of personal injury or property loss or consciously disregarded a serious risk that [his / her] conduct would place a segment of the public in fear of personal injury or property loss.¹

(4) It is not necessary for the prosecution to prove that the defendant personally committed any acts of violence. It is sufficient if the defendant acted in concert with others in furtherance of the group's wrongful and violent conduct. You may consider a defendant's presence and conduct at the scene, along with other evidence, to determine whether the defendant shared the common purpose of the group or intended to advance its purpose.²

Use Notes

1. MCL 752.541 requires proof that the defendant “wrongfully engage[d] in violent conduct and thereby intentionally or recklessly cause[d] or create[d] a serious risk of causing public terror or alarm.” The court of appeals has held that a defendant causes “public terror or alarm” whenever “a segment of the public is put in fear of injury either to their persons or their property.” *People v Kim*, 245 Mich App 609, 615; 630 NW2d 627 (2001) (quoting *People v Garcia*, 31 Mich App 447, 456; 187 NW2d 711 (1971)).

2. *See Garcia*, 31 Mich App at 453-454.

[NEW] M Crim JI 40.10 Inciting a Riot

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

(2) First, that the defendant committed one or more of the following acts or urged or encouraged other persons to commit such acts:

[Select from the following according to the charges and evidence:]

- (a) an act of unlawful force or violence [or]
- (b) the unlawful burning or destruction of property [or]
- (c) unlawful interference with a [police officer / peace officer / firefighter / member of the Michigan national guard / member of the armed services]¹

(3) Second, that, by engaging in such conduct, the defendant intended to start or continue a riot.

A riot occurs when five or more persons act together to wrongfully engage in violent conduct with the intent to place a segment of the public in fear of personal injury or property loss or in conscious disregard of a serious risk that a segment of the public would be placed in fear of personal injury or property loss.

Use Note

1. Include any of the bracketed terms that may apply according to the charges and the evidence.

[NEW] M Crim JI 40.10a Causing or Conspiring to Cause a Riot in a State Correctional Facility

(1) The defendant is charged with the crime of causing or conspiring to cause a riot in a state correctional facility. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant [provoked / caused / attempted to cause / assisted in causing / conspired to cause]¹ a riot at [*identify state correctional facility*], a state correctional facility in Michigan.

A riot means three or more persons acting together to intentionally or recklessly engage in violent conduct in a state correctional facility that threatens the security of that facility or threatens the safety or authority of persons responsible for maintaining the security of the state correctional facility.

(3) Second, that the defendant did so on purpose, intending to cause a riot at [*identify state correctional facility*].

Use Note

1. Include any of the bracketed terms that may apply according to the charges and the evidence.

[NEW] M Crim JI 40.11 Unlawful Assembly

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

(2) First, that the defendant gathered with four or more other persons or acted together with four or more other persons at [*provide location*].

(3) Second, that the defendant gathered or acted together with others there to engage in a riot or that the defendant was present or acting with four or more other persons when or after a riot developed and intended to help the riot to continue.

A riot occurs when five or more persons act together to wrongfully engage in violent conduct with the intent to place a segment of the public in fear of personal injury or property loss or in conscious disregard of a serious risk that a segment of the public would be placed in fear of personal injury or property loss.