



## 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, 2025. 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](mailto:MCrimJI@courts.mi.gov).

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### PROPOSED

The Committee proposes amending M Crim JI 13.1 (Assaulting, Resisting, or Obstructing a Police Officer or Person Performing Duties) and M Crim JI 13.2 (Assaulting or Obstructing Officer or Official Performing Duties) to place more emphasis on the requirement that the jury receive instructions on the legal framework for assessing whether the officers' actions were lawful. See *People v Carroll*, \_\_\_ Mich \_\_\_, 8 NW3d 576 (July 19, 2024) (Docket No. 166092). For each instruction, the proposed amendments would move the information currently conveyed in Use Note 4 into the body of the instruction. Deletions are in ~~striketrough~~, and new language is underlined.

**[AMENDED]      M Crim JI 13.1      Assaulting, Resisting, or Obstructing a  
Police Officer or Person Performing  
Duties**

(1) The defendant is charged with the crime of assaulting, battering, wounding, resisting, obstructing, opposing, or endangering<sup>1</sup> a [police officer / (*state authorized person*)<sup>2</sup>] who was performing [his / her] duties. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant assaulted, battered, wounded, resisted, obstructed, opposed, or endangered<sup>1</sup> [*name complainant*], who was a [police officer / (*state authorized person*)]. [“Obstruct” includes the use or threatened use of physical interference or force or a knowing failure to comply with a lawful command.]<sup>3</sup> [The defendant must have actually resisted by what (he / she) said or did, but physical violence is not necessary.]<sup>3</sup>

(3) Second, that the defendant knew or had reason to know that [*name complainant*] was a [police officer / (*state authorized person*)] performing [his / her] duties at the time.

(4) Third, that [*name complainant*] gave the defendant a lawful command, was making a lawful arrest, or was otherwise performing a lawful act.<sup>4</sup> [*Provide detailed legal instructions regarding the applicable law governing the officer's or official's legal authority to act.*]<sup>4</sup>

[*Use the following paragraphs as warranted by the charge and proofs:-*]

(5) Fourth, that the defendant's act in assaulting, battering, wounding, resisting, obstructing, opposing, or endangering<sup>1</sup> a [police officer / (*state authorized person*)] caused the death of [*name complainant*].

(6) Fourth, that the defendant's act in assaulting, battering, wounding, resisting, obstructing, opposing, or endangering<sup>1</sup> a [police officer / (*state authorized person*)] caused [*name complainant*] to suffer serious impairment of a body function.<sup>5</sup>

(7) Fourth, that the defendant's act in assaulting, battering, wounding, resisting, obstructing, opposing, or endangering<sup>1</sup> a [police officer / (*state authorized person*)] caused a bodily injury requiring medical attention or medical care to [*name complainant*].

#### *Use Note*

This instruction should be used when the defendant is charged with violating MCL 750.81d. A defendant could be charged under MCL 750.479 with assaulting, resisting, or obstructing an officer or duly authorized person. In that event, use M Crim JI 13.2.

1. MCL 750.81d prohibits “assault[ing], batter[ing], wound[ing], resist[ing], obstruct[ing], oppos[ing], or endanger[ing]” certain officers or officials. The court may read all of that phrase or may read whatever portions it finds appropriate according to the charge and the evidence.

2. “~~Person~~” *Person* for purposes of this statute is defined to include police officers, deputy sheriffs, firefighters, and emergency medical service personnel, among others. MCL 750.81d(7)(b).

3. The court may include this sentence where necessary.

4. ~~The court should provide detailed legal instructions regarding the applicable law governing the officer's legal authority to act. See People v Carroll, Mich ; 8 NW3d 576 (2024) (holding that trial court must provide jury with "a legal framework for assessing whether the officers' actions were lawful"); M Crim JI 13.5.~~

5. ~~MCL 750.479(8)(b) MCL 750.81d(7)(c) defines "serious impairment of a body function" serious impairment of a body function according to MCL 257.58c in the Michigan vehicle Vehicle code Code. See M Crim JI 15.1215.2a.~~

**[AMENDED] M Crim JI 13.2 Assaulting or Obstructing Officer or Official Performing Duties**

(1) The defendant is charged with the crime of assaulting, battering, wounding, resisting, obstructing, opposing, or endangering<sup>1</sup> a [*state authorized person*]<sup>2</sup> who was acting in the performance of [his / her] duties. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant assaulted, battered, wounded, resisted, obstructed, opposed, or endangered<sup>1</sup> [*name complainant*], who was a [*state authorized person*] performing [his / her] duties. ["Obstruct" includes the use or threatened use of physical interference or force or a knowing failure to comply with a lawful command.]<sup>3</sup>

(3) Second, that the defendant knew or had reason to know that [*name complainant*] was then a [*state authorized person*] performing [his / her] duties at the time.

(4) Third, that [*name complainant*] gave the defendant a lawful command, was making a lawful arrest, or was otherwise performing a lawful act.<sup>4</sup> [*Provide detailed legal instructions regarding the applicable law governing the officer's or official's legal authority to act.*]<sup>4</sup>

(5) Fourth, that the defendant's actions were intended by the defendant, that is, not accidental.

[*Use the following paragraphs as warranted by the charge and proofs:*]

(6) Fifth, that the defendant's act in assaulting, battering, wounding, resisting, obstructing, opposing, or endangering<sup>1</sup> a [*state authorized person*] caused the death of [*name complainant*].

(7) Fifth, that the defendant’s act in assaulting, battering, wounding, resisting, obstructing, opposing, or endangering<sup>1</sup> a [*state authorized person*] caused serious impairment of a body function<sup>5</sup> to [*name complainant*].

(8) Fifth, that the defendant’s act in assaulting, battering, wounding, resisting, obstructing, opposing, or endangering<sup>1</sup> a [*state authorized person*] caused a bodily injury requiring medical attention or medical care to [*name complainant*].<sup>6</sup>

### *Use Note*

This instruction should be used when the defendant is charged with violating MCL 750.479. A defendant could be charged under MCL 750.81d with assaulting, resisting, or obstructing an officer. In that event, see use M Crim JI 13.1.

1. MCL 750.479 prohibits “assault[ing], batter[ing], wound[ing], resist[ing], obstruct[ing], oppos[ing], or endanger[ing]” certain officers or officials. The court may read all of that phrase or may read whatever portions it finds appropriate according to the charge and the evidence.

2. The statute lists authorized persons as medical examiners, township treasurers, judges, magistrates, probation officers, parole officers, prosecutors, city attorneys, court employees, court officers, or other officers or duly authorized persons. MCL 750.479(1)(a).

3. ~~“Obstruct”~~ *Obstruct* is defined in MCL 750.479(8)(a), as amended in 2002.

4. ~~The court should provide detailed legal instructions regarding the applicable law governing the official’s legal authority to act. See *People v Carroll*, \_\_\_ Mich \_\_\_, 8 NW3d 576 (2024) (holding that trial court must provide jury with “a legal framework for assessing whether the officers’ actions were lawful”); M Crim JI 13.5.~~

5. MCL 750.479(8)(b) defines ~~“serious impairment of a body function”~~ *serious impairment of a body function* according to MCL 257.58c in the Michigan ~~vehicle~~ Vehicle Code. ~~See M Crim JI 15.12~~ 15.2a.

6. This aggravating circumstance could be the charged offense or a lesser offense, if warranted by the evidence.