



**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 August 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.

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PROPOSED

The Committee proposes amending M Crim JI 15.14 (Reckless Driving), M Crim JI 15.14a (Reckless Driving Causing Death or Serious Impairment of a Body Function), and M Crim JI 15.15 (Moving Violation Causing Death or Serious Impairment of a Body Function) for improved readability and greater consistency with the statutes defining these offenses. The proposed changes were inspired by Footnote 7 in *People v Fredell*, ___ Mich ___ (December 26, 2024) (Docket No. 164098). Deletions are in ~~striketrough~~, and new language is underlined.

[AMENDED] M Crim JI 15.14 Reckless Driving

(1) [The defendant is charged with the crime of / You may also consider the lesser charge of¹] reckless driving. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant drove a motor vehicle² on a highway [or a frozen public lake, stream, or pond] or other place open to the general public ~~or generally accessible to motor vehicles~~ [including but not limited to any designated parking area].³

(3) Second, that the defendant drove the motor vehicle in willful or wanton disregard for the safety of persons or property. Willful or wanton disregard means more than simple carelessness but does not require proof of an intent to cause harm. It means knowingly disregarding the possible risks to the safety of people or property.

Use Notes

1. Use when instructing on this crime as a lesser included offense.

2. The term *motor vehicle* is defined in MCL 257.33.

3. A *highway* is the entire area between the boundary lines of a publicly maintained roadway, any part of which is open for automobile travel. *People v Bartel*, 213 Mich App 726, 728-729; 540 NW2d 491 (1995). ~~A private driveway is “generally accessible to motor vehicles.” *People v Rea*, 500 Mich 422; 902 NW2d 362 (2017).~~ The phrase “open to the general public” is discussed in *People v Nickerson*, 227 Mich App 434; 575 NW2d 804 (1998), and *People v Hawkins*, 181 Mich App 393; 448 NW2d 858 (1989).

**[AMENDED] M Crim JI 15.14a Reckless Driving Causing Death or
Serious Impairment of a Body
Function**

(1) [The defendant is charged with the crime of / You may also consider the lesser charge of¹] reckless driving causing [death / serious impairment of body function to another person]. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant drove a motor vehicle² on a highway [or a frozen public lake, stream, or pond] or other place open to the general public ~~or generally accessible to motor vehicles~~ [including but not limited to any designated parking area].³

(3) Second, that the defendant drove the motor vehicle in willful or wanton disregard for the safety of persons or property. Willful or wanton disregard means more than simple carelessness but does not require proof of an intent to cause harm. It means knowingly disregarding the possible risks to the safety of people or property.

(4) ~~Third, that the defendant’s operation of the vehicle caused [the death of / a serious impairment of a body function⁴ to] [identify decedent or injured person]. To [cause the death / such injury], the defendant’s operation of the vehicle must have been a factual cause of the [death / injury], that is, but for the defendant’s operation of the vehicle the [death / injury] would not have occurred. In addition, [death or serious injury / the injury] must have been a direct and natural result of operating the vehicle.⁵~~

(4) Third, that the defendant’s operation of the vehicle caused [the death of (name deceased) / (name injured person) to suffer a serious impairment of a body function⁴]. To cause the [death / injury], the defendant’s operation of the vehicle must have been a factual cause of the [death / injury], that is, but for the defendant’s operation of the vehicle, the [death / injury] would not have occurred. In addition, the [death / injury] must have been a direct and natural result of operating the vehicle.⁵

Use Notes

1. Use when instructing on this crime as a lesser included offense.
2. The term *motor vehicle* is defined in MCL 257.33.
3. A *highway* is the entire area between the boundary lines of a publicly maintained roadway, any part of which is open for automobile travel. *People v Bartel*, 213 Mich App 726, 728-729; 540 NW2d 491 (1995). ~~A private driveway is “generally accessible to motor vehicles.” *People v Rea*, 500 Mich 422; 902 NW2d 362 (2017).~~ The phrase “open to the general public” is discussed in *People v Nickerson*, 227 Mich App 434; 575 NW2d 804 (1998), and *People v Hawkins*, 181 Mich App 393; 448 NW2d 858 (1989).
4. The statute, MCL 257.58c, provides that serious impairment of a body function includes but is not limited to one or more of the following:
 - (a) Loss of a limb or loss of use of a limb.
 - (b) Loss of a foot, hand, finger, or thumb or loss of use of a foot, hand, finger, or thumb.
 - (c) Loss of an eye or ear or loss of use of an eye or ear.
 - (d) Loss or substantial impairment of a bodily function.
 - (e) Serious visible disfigurement.
 - (f) A comatose state that lasts for more than 3 days.
 - (g) Measurable brain or mental impairment.
 - (h) A skull fracture or other serious bone fracture.
 - (i) Subdural hemorrhage or subdural hematoma.
 - (j) Loss of an organ.
5. If it is claimed that the defendant’s operation of the vehicle was not a proximate cause of serious impairment of a body function because of an intervening, superseding cause, the court may wish to review *People v Schaefer*, 473 Mich 418, 438-439; 703 NW2d 774 (2005) (a “causes death” case under MCL 257.625(4)). *Schaefer* was modified in part on other grounds by *People v Derror*, 475 Mich 316;

715 NW2d 822 (2006), which was overruled in part on other grounds by *People v Feezel*, 486 Mich 184; 783 NW2d 67 (2010).

**[AMENDED] M Crim JI 15.15 Moving Violation Causing Death or
Serious Impairment of a Body
Function**

(1) [The defendant is charged with the crime / You may consider the lesser charge¹] of committing a moving traffic violation that caused [death / serious impairment of a body function]. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant operated a motor vehicle.² To *operate* means to drive or have actual physical control of the vehicle.

(3) Second, that the defendant operated the vehicle on a highway or other place open to the general public ~~or generally accessible to motor vehicles~~ [including but not limited to any designated parking area].³

(4) Third, that, while operating the motor vehicle, the defendant committed a moving violation by [*describe the moving violation*].

(5) Fourth, that by committing the moving violation, the defendant caused [the death of (*name deceased*) / (*name injured person*) to suffer a serious impairment of a body function⁴]. To cause the [~~the death of (*name deceased*) / such injury to (*name injured person*)~~], the defendant's moving violation must have been a factual cause of the [death / injury], that is, but for committing the moving violation, the [death / injury] would not have occurred. In addition, the [death / injury] must have been a direct and natural result of committing the moving violation.⁵

Use Notes

1. Use when instructing on this crime as a lesser offense.
2. The term *motor vehicle* is defined in MCL 257.33.
3. A *highway* is the entire area between the boundary lines of a publicly maintained roadway, any part of which is open for automobile travel. *People v Bartel*, 213 Mich App 726, 728-729; 540 NW2d 491 (1995). ~~A private driveway is "generally accessible to motor vehicles." *People v Rea*, 500 Mich 422; 902 NW2d 362 (2017).~~ The phrase "open to the general public" is discussed in *People v*

Nickerson, 227 Mich App 434; 575 NW2d 804 (1998), and *People v Hawkins*, 181 Mich App 393; 448 NW2d 858 (1989).

4. MCL 257.58c provides that serious impairment of a body function includes but is not limited to one or more of the following:

- (a) Loss of a limb or loss of use of a limb.
- (b) Loss of a foot, hand, finger, or thumb or loss of use of a foot, hand, finger, or thumb.
- (c) Loss of an eye or ear or loss of use of an eye or ear.
- (d) Loss or substantial impairment of a bodily function.
- (e) Serious visible disfigurement.
- (f) A comatose state that lasts for more than 3 days.
- (g) Measurable brain or mental impairment.
- (h) A skull fracture or other serious bone fracture.
- (i) Subdural hemorrhage or subdural hematoma.
- (j) Loss of an organ.

5. If it is claimed that the defendant's operation of the vehicle was not a proximate cause of serious impairment of a body function because of an intervening, superseding cause, the court may wish to review *People v Schaefer*, 473 Mich 418, 438-439; 703 NW2d 774 (2005) (a "causes death" case under MCL 257.625(4)). *Schaefer* was modified in part on other grounds by *People v Derror*, 475 Mich 316; 715 NW2d 822 (2006), which was overruled in part on other grounds by *People v Feezel*, 486 Mich 184; 783 NW2d 67 (2010).