



**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 20.24 (Definition of Sufficient Force) in response to *People v Levran*, ___ Mich App ___ (December 3, 2024) (Docket No. 370931). The Court of Appeals held in *Levran* that the fifth paragraph of the current instruction did not accurately reflect how MCL 750.520b(1)(f)(iv) defines “force or coercion” for purposes of criminal sexual conduct committed during a medical exam or treatment. The proposed amendment would remedy this defect. Deletions are in ~~striketrough~~, and new language is underlined.

[AMENDED] M Crim JI 20.24 Definition of Sufficient Force

[Choose any of the following that are applicable:]

(1) It is enough force if the defendant overcame [*name complainant*] by physical force.

(2) It is enough force if the defendant threatened to use physical force on [*name complainant*], and [*name complainant*] believed that the defendant had the ability to carry out those threats.

(3) It is enough force if the defendant threatened to get even with [*name complainant*] in the future, and [*name complainant*] believed that the defendant had the ability to carry out those threats.

(4) It is enough force if the defendant threatened to kidnap [*name complainant*], or threatened to force [*name complainant*] to do something against [his / her] will, or threatened to physically punish someone, and [*name complainant*] believed that the defendant had the ability to carry out those threats.

(5) It is enough force if the defendant was giving [*name complainant*] a medical exam or treatment and did so in a way or for a reason that is not recognized as medically acceptable. A medical exam or treatment ~~physical exam by a doctor~~ that includes inserting fingers into the vagina or rectum is not in itself criminal sexual conduct. You must decide whether the defendant did the exam or treatment in a manner or for purposes that are as an excuse for sexual purposes and in a way that is not recognized as medically ethical or acceptable.¹

(6) It is enough force if the defendant, through concealment or by the element of surprise, [was able to overcome {/ achieve sexual contact with}]^{*2} [*name complainant*].

(7) It is enough force if the defendant used force to induce the victim to submit to the sexual act or to seize control of the victim in a manner facilitating commission of the sexual act without regard to the victim's wishes.

Use Notes

1. See *People v Levran*, ___ Mich App ___, ___ NW3d ___ (December 3, 2024) (Docket No. 370931).

^{*2.} Use the bracketed expression “achieve sexual contact” when criminal sexual contact in the fourth degree is charged. *See* MCL 750.520e(1)(b)(v).