



MODEL CRIMINAL JURY INSTRUCTIONS COMMITTEE
Meeting Minutes of:
Thursday, February 16, 2012
3:00 – 5:00 p.m.
Held at the Supreme Court – 8th floor conference room

Attendees:

Justice Coats (Chair), Judge Dailey (Vice Chair), Judge Phillips, and Judge Warner.

Telephone participants:

Judge Burback, Judge Egelhoff, Judge Gilbert, Judge Greenacre, Judge Lammons, Judge Lemon, Judge Robison, Judge K. Romeo, and Judge Tuttle.

Staff:

Andrew Field (Reporter), and Penny Wagner (Technical Support)

I. Approval of Minutes

The Committee approved the minutes for the January 19, 2012, meeting.

II. Updating the Definitions in Chapter F of COLJI-Crim. (2008).

The Committee discussed various issues concerning the format for instructional definitions, the scope of coverage, and the type of supporting materials that should be included. The Committee agreed that:

A comprehensive chapter of model instructions for term definitions that is arranged in alphabetical order is quite useful, and should be included in the next edition.

The numbering system for instructions from COLJI-Crim. (2008) will be maintained (or replicated as closely possible, in the event that the Committee decides to renumber the chapters in the next edition). The instruction number for each deleted instruction will be preserved with a note to facilitate historical research. New instructions will be inserted in the appropriate alphabetical location using decimal point numbering so as not to disrupt the existing enumeration system. Prior to publication, the Reporter will remove any superfluous instructions that define terms related to offenses for which the Committee decides not to publish an elemental instruction.

The headings will not include parenthetical notes indicating the offense(s) to which the instructional definitions apply unless a particular term is defined differently in more than one instruction (e.g., “child”).

Statutory citations identifying the source of a definition will be included for each instruction that is derived from statute.

Additional information will be included in a “Comment” section. The comment sections will have numbered paragraphs, even where there is only a single paragraph, to facilitate precise citation and promote consistency of formatting as the comments are revised and expanded in future editions. These comments will include things such as: citations to the offense(s) to which an instruction applies; citations to relevant caselaw and rules (with parenthetical explanations); citations to dictionaries; and citations to other instructions in Chapter F that further define specific terms.

The comments will include summaries of relevant statutory provisions (when necessary), but they will not have lengthy quotes of statutory language because users can access the text of the statutes from the citations. Nor will the comments include indications that a particular instruction is generally applicable throughout the criminal code. Instead, the fact that certain definitions are broadly applicable will be noted in one of the prefatory “Comments on Chapter Use,” with a citation to the relevant statutory provisions.

Instructions that define offenses will be deleted from Chapter F and replaced with citations to the relevant elemental instructions.

For terms that have complicated statutory definitions with numerous subsections, the statutory lettering and numbering will be utilized for the subsections of the corresponding instruction.

III. Next Meeting

The next meeting will be held in the same location, at the same time, on Thursday, March 15, 2012. The Committee will resume its work on Chapter F.

The Chair will set an agenda and have the Committee Reporter distribute relevant written materials in advance of the meeting.

The meeting was adjourned at 4:55 p.m.

Respectfully submitted,

Andrew Field, Reporter.