

## TABLE OF CONTENTS

|   | <b>Most Recent<br/>Revision</b><br><small>(exclusive<br/>of notes)</small> | <b>Previously<br/>Numbered</b> |
|---|--|--------------------------------|
| Introduction by Chief Justice Lynda M. Connolly | Jan 2009   | —                              |
| Table of Contents                               | Mar 2023   | —                              |
| Drafting a Plain Language Jury Instruction      | Jan 2009   | —                              |
| Chart of Required Jury Instructions             | Jan 2009   | —                              |

### INSTRUCTIONS BEFORE AND DURING TRIAL

|       |  |            |       |
|-------|--|------------|-------|
| 1.100 | Impaneling the Jury  | Mar 2019   | 1.00  |
| 1.105 | COVID-19 Supplemental Impanelment Instruction                              | Nov 2021   | —     |
| 1.120 | Preliminary Instruction to Jury Before Trial                               | Mar 2019   | 1.01  |
| 1.130 | Discussion Prohibited  | Jan 2013   | —     |
| 1.140 | Alternate Preliminary Instruction to Jury Before Trial                     | 1989       | 1.011 |
| 1.160 | Notetaking by Jurors   | 1988       | 1.07  |
| 1.180 | Questions to Witnesses from Jurors   | Jan 2009   | 1.071 |
| 1.200 | Recordation of Proceedings   | Jan 2009   | 1.13  |
| 1.220 | Lengthy Bench or Lobby Conferences   | 1988       | 1.11  |
| 1.240 | Separation of the Jury   | 1988       | 1.09  |
| 1.260 | Extraneous Publicity   | 1988       | 1.091 |
| 1.270 | Use of an Interpreter  | April 2019 | —     |
| 1.275 | Deaf Interpreter for Juror   | May 2019   | —     |
| 1.280 | Before a View  | Jun 1995   | 1.10  |
| 1.300 | Multiple Defendants; Evidence Admitted Against One Defendant Only          | 1988       | 1.06  |
| 1.320 | Withdrawn Case Against Codefendant; Withdrawn Charges<br>Against Defendant | Feb 2024   | 1.08  |
| 1.325 | Defendant's Absence Midtrial   | Feb 2024   | —     |
| 1.340 | Preliminary Identification Instruction                                     | Nov 2015   | —     |
| 1.360 | Disruptive Defendant   | Feb 2024   | —     |

### FINAL INSTRUCTIONS

#### GENERAL

|       |   |           |       |
|-------|---|-----------|-------|
| 2.100 | Function of the Judge   | 1988      | 2.01  |
| 2.120 | Function of the Jury; What is Evidence; Credibility of Witnesses  | Sept 2022 | 2.02  |
| 2.140 | Function of Counsel   | 1988      | 2.021 |
| 2.160 | Presumption of Innocence; Burden of Proof; Unanimity              | 1988      | 2.04  |
| 2.180 | Reasonable Doubt  | Jan 2015  | 2.05  |
| 2.220 | What Is Evidence; Stipulations; Judicial Notice                   | 1988      | 2.03  |
| 2.240 | Direct and Circumstantial Evidence                                | Jun 1995  | 2.06  |
| 2.250 | Motive  | Jun 2022  |       |
| 2.260 | Credibility of Witnesses  | —         | —     |
|       | <b>[Instruction 2.260 has been replaced by Instruction 2.120]</b> |           |       |
| 2.280 | Lesser Included Offenses  | 1988      | 2.10  |

|       |  | Most Recent<br>Revision<br>(exclusive<br>of notes) | Previously<br>Numbered |
|-------|--|--|------------------------|
| 2.300 | Multiple Charges   | 1988   | 2.11                   |
| 2.320 | Multiple Incidents or Theories in One Count (Specific Unanimity) | Jan 2013   | 2.12                   |
| 2.340 | Joint Representation   | 1988   | 2.022                  |
| 2.360 | Reprimand of Counsel   | 2009   | 2.023                  |
| 2.380 | Pro Se Defendant; Discharge of Counsel                           | 1988   | 2.024                  |
| 2.400 | Announced Witness Does Not Testify                               | 1988   | 4.041                  |
| 2.420 | Reducing and Sending Out the Jury                                | Jan 2009   | 2.121                  |
| 2.440 | Before and After Supplemental Instructions                       | 1988   | 2.13                   |
| 2.460 | When Jurors Cannot Agree   | 1989   | 2.08                   |
| 2.480 | Seating of Alternate Juror                                       | 1988   | 2.081                  |
| 2.500 | Taking the Verdict and Discharging the Jury                      | Jun 1995   | 2.14                   |
| 2.520 | Imposing Sentence  | Jan 2009   | 2.15                   |
| 2.521 | [Appendix: Chart of Potential Money Assessments]                 | Oct 2018   | —                      |
| 2.540 | Subsequent Offense ( <i>G.L. c. 278, § 11A</i> )                 | May 2011   | —                      |
| 2.541 | [One-Prior-Offense Verdict Slip]                                 | Jan 2009   | —                      |
| 2.542 | [Several-Prior-Offenses Verdict Slip]                            | Jan 2009   | —                      |

## DEFINITIONS AND PROOF

|       |  |          |       |
|-------|--|----------|-------|
| 3.100 | Inferences                                       | 1988     | 3.03  |
| 3.120 | Intent   | 1988     | 3.04  |
| 3.140 | Knowledge  | 1988     | 3.051 |
| 3.160 | License or Authority ( <i>G.L. c. 278, § 7</i> ) | 1988     | 3.10  |
| 3.180 | Negligence                                       | 1988     | 3.01  |
| 3.200 | Operation of a Motor Vehicle                     | Jan 2013 | 3.06  |
| 3.210 | Motor Vehicle                                    | May 2017 | —     |
| 3.220 | Possession                                       | Jan 2009 | 3.11  |
| 3.230 | Transferred Intent                               | 2018     | —     |
| 3.240 | Presumption                                      | 2009     | 3.07  |
| 3.260 | Prima Facie Evidence                             | 2009     | 3.08  |
| 3.280 | Public Way ( <i>G.L. c. 90, § 1</i> )            | 2009     | 3.09  |

## EVALUATION OF EVIDENCE

|       |  |          |       |
|-------|--|----------|-------|
| 3.500 | Absent Witness   | Jan 2009 | 4.04  |
| 3.520 | Admission by Silence   | 1988     | 4.08  |
| 3.540 | Credibility of Witnesses: Children and Individuals with<br>Cognitive and/or Intellectual Differences | Feb 2024 | 4.03  |
| 3.560 | Confessions and Admissions (Humane Practice)   | Jun 2018 | 4.07  |
| 3.570 | Redacted Material  | Jun 2018 | —     |
| 3.580 | Consciousness of Guilt   | Feb 2024 | 4.12  |
| 3.600 | Defendant Does Not Testify   | Jan 2013 | 4.05  |
| 3.610 | Authentication of Digital Evidence   | Nov 2021 | —     |
| 3.620 | Excluded Question; Stricken Evidence   | 1988     | 1.012 |
| 3.640 | Expert Witness   | Jan 2009 | 4.02  |
| 3.660 | First Complaint  | Mar 2017 | 4.13  |
| 3.680 | Impeachment by Prior Conviction of a Crime ( <i>G.L. c. 233, § 21</i> )                              | 1988     | 1.04  |
| 3.700 | Impeachment by Prior Inconsistent Statement;<br>Rehabilitation by Prior Consistent Statement         | Jan 2013 | 1.03  |
| 3.720 | Mug Shots / Fingerprints / DNA   | Feb 2024 | 4.14  |
| 3.740 | Omissions in Police Investigations   | Jun 2005 | 4.042 |
| 3.760 | Other Bad Acts by Defendant  | Feb 2024 | 4.061 |
| 3.780 | Prior Trial  | 1988     | 4.062 |

|       |   | <b>Most Recent<br/>Revision</b><br>(exclusive<br>of notes) | <b>Previously<br/>Numbered</b> |
|-------|---|--|--------------------------------|
| 3.800 | Reputation of Defendant                         | 1989   | 4.06                           |
| 3.820 | Unrecorded Custodial Interrogation              | May 2014   | 4.071                          |
| 3.840 | Consideration of Business Records               | Nov 2021   | —                              |
| 3.860 | Unrecorded Police Encounter                     | June 2023  | —                              |
| 3.880 | Lost or Destroyed Evidence                      | June 2023  | —                              |
| 3.900 | Intentionally Not Recorded Exculpatory Evidence | June 2023  | —                              |
| 3.920 | Photographs or Evidence with Emotional Impact   | Feb 2024   | —                              |
| 3.940 | Gang Affiliation                                | Feb 2024   | —                              |

## OFFENSES

### *General*

|       |   |          |      |
|-------|---|----------|------|
| 4.100 | Accessory Before the Fact ( <i>G.L. c. 274, § 2</i> )           | 1988     | 5.01 |
| 4.120 | Attempt ( <i>G.L. c. 274, § 6</i> )                             | Mar 2023 | 5.02 |
| 4.140 | Compounding or Concealing a Felony ( <i>G.L. c. 268, § 36</i> ) | 1988     | 5.04 |
| 4.160 | Conspiracy ( <i>G.L. c. 274, § 7</i> )                          | 1989     | 5.06 |
| 4.180 | Corporate Criminal Responsibility                               | 1988     | 5.07 |
| 4.200 | Aiding or Abetting  | May 2011 | 5.05 |

### *Motor Vehicle & OUI Offenses*

|        |  |          |       |
|--------|--|----------|-------|
| 5.100  | Attaching Wrong Plates to Conceal Identity ( <i>G.L. c. 90, § 23</i> )   | 1988     | 5.22  |
| 5.120  | False Statement in License Application ( <i>G.L. c. 90, § 24 [2][a]</i> )  | 1988     | 5.24  |
| 5.140A | Motor Vehicle Homicide Instructions Index  | Mar 2023 | —     |
| 5.140  | Motor Vehicle Homicide while Operating Under the Influence of Liquor and Recklessness ( <i>G.L. c. 90, § 24G [a]</i> )   | Mar 2023 | 5.28  |
| 5.142  | Motor Vehicle Homicide while Operating Under the Influence of Drugs and Recklessness ( <i>G.L. c. 90, § 24G [a]</i> )    | Mar 2023 | —     |
| 5.144  | Motor Vehicle Homicide while Operating $\geq$ .08 BAC and Recklessness ( <i>G.L. c. 90, § 24G [a]</i> )                  | Mar 2023 | —     |
| 5.146  | Motor Vehicle Homicide while Operating Under the Influence of Liquor and Negligence ( <i>G.L. c. 90, § 24G [a]</i> )     | Mar 2023 | —     |
| 5.148  | Motor Vehicle Homicide while Operating Under the Influence of Drugs and Negligence ( <i>G.L. c. 90, § 24G [a]</i> )      | Mar 2023 | —     |
| 5.150  | Motor Vehicle Homicide while Operating $\geq$ .08 BAC and Negligence ( <i>G.L. c. 90, § 24G [a]</i> )                    | Mar 2023 | —     |
| 5.156  | Motor Vehicle Homicide and Recklessness ( <i>G.L. c. 90, § 24G [c]</i> )   | Mar 2023 | —     |
| 5.160  | Motor Vehicle Homicide and Negligence ( <i>G.L. c. 90, § 24G [b]</i> )   | Mar 2023 | 5.27  |
| 5.162  | Motor Vehicle Homicide while Operating Under the Influence of Liquor ( <i>G.L. c. 90, § 24G [b]</i> )                    | Mar 2023 | —     |
| 5.164  | Motor Vehicle Homicide while Operating Under the Influence of Drugs ( <i>G.L. c. 90, § 24G [b]</i> )                     | Mar 2023 | —     |
| 5.166  | Motor Vehicle Homicide while Operating $\geq$ .08 BAC ( <i>G.L. c. 90, § 24G [b]</i> )                                   | Mar 2023 | —     |
| 5.180  | Leaving the Scene of an Accident Involving Property Damage ( <i>G.L. c. 90, § 24 [2][a]</i> )                            | Mar 2017 | 5.20  |
| 5.190  | Leaving the Scene of an Accident Involving Personal Injury Not Resulting in Death ( <i>G.L. c. 90, § 24 [2][a½][1]</i> ) | Jun 2016 | 5.180 |
| 5.200  | Operating After Suspension or Revocation of License ( <i>G.L. c. 90, § 23</i> )  | Jan 2013 | 5.13  |
| 5.220  | Operating an Uninsured Motor Vehicle ( <i>G.L. c. 90, § 34J</i> )  | Jan 2009 | 5.11  |
| 5.240  | Operating Negligently So As to Endanger ( <i>G.L. c. 90, § 24 [2][a]</i> )   | Feb 2024 | 5.15  |
| 5.260  | Operating Recklessly ( <i>G.L. c. 90, § 24 [2][a]</i> )  | Feb 2024 | 5.26  |
| 5.300  | Operating with a Blood Alcohol Level of .08% or Greater  | Jun 2016 | 5.10  |

|       |  | <b>Most Recent<br/>Revision</b><br>(exclusive<br>of notes) | <b>Previously<br/>Numbered</b> |
|-------|--|--|--------------------------------|
| 5.301 | (G.L. c. 90, § 24 [1])<br>[Verdict Slip]   | Jan 2013   | 5.10                           |
| 5.305 | Endangering a Child While Operating with a Blood Alcohol Level<br>of .08% or Greater (G.L. c. 90, § 24V) | April 2019   | —                              |
| 5.310 | Operating Under the Influence of Intoxicating Liquor<br>(G.L. c. 90, § 24 [1])                           | Mar 2023   | 5.300                          |
| 5.311 | [Verdict Slip]   | Jan 2013   | 5.301                          |
| 5.315 | Endangering a Child While Under the Influence of Intoxicating Liquor<br>(G.L. c. 90, § 24V)              | April 2019   | —                              |
| 5.400 | Operating Under the Influence of Drugs (G.L. c. 90, § 24 [1])  | Jun 2019   | 5.101                          |
| 5.500 | Operating Under the Influence Causing Serious Injury (G.L. c. 90, § 24L)                                 | 1988   | 5.102                          |
| 5.501 | [Verdict Slip]   | Jan 2013   | 5.102                          |
| 5.520 | Failure to Have Ignition Interlock Device (G.L. c. 90, § 24S [a])  | May 2014   | —                              |
| 5.530 | Disabling an Ignition Interlock Device (G.L. c. 90, § 24T [a])   | May 2014   | —                              |
| 5.600 | Operating Without Being Licensed (G.L. c. 90, § 10)  | 1988   | 5.121                          |
| 5.620 | Refusing to Obey or Giving a False Name to Police Officer (G.L. c. 90, § 25)                             | Mar 2023   | 5.21                           |
| 5.640 | Road Racing (G.L. c. 90, § 24 [2][a])  | 1988   | 5.17                           |
| 5.660 | Use of Vehicle Without Authority (G.L. c. 90, § 24 [2][a])   | 1988   | 5.18                           |
| 5.700 | Operating a Boat with a Blood Alcohol Level of 0.08% or Greater  | May 2017   | —                              |
| 5.710 | Operating a Boat Under the Influence of Intoxicating Liquor  | May 2017   | —                              |

#### *Offenses Against the Person*

|       |  |           |       |
|-------|--|-----------|-------|
| 6.100 | Affray (G.L. c. 277, § 39)   | May 2014  | 5.67  |
| 6.120 | Assault (G.L. c. 265, § 13A [a])   | Jul 1997  | 5.402 |
| 6.121 | [Verdict Slip]   | Jan 2013  | 5.402 |
| 6.140 | Assault and Battery (G.L. c. 265, § 13A [a])   | Jun 2019  | 5.40  |
| 6.160 | Assault and Battery Causing Serious Injury (G.L. c. 265, § 13A [b][i])   | Dec 2019  | 5.406 |
| 6.180 | Assault and Battery on a Person Protected<br>by an Abuse Prevention Order (G.L. c. 265, § 13A [b][iii])  | Jun 2019  | 5.408 |
| 6.200 | Assault and Battery on a Pregnant Woman (G.L. c. 265, § 13A [b][iii])  | Jun 2019  | 5.407 |
| 6.205 | Assault and Battery to Intimidate [G.L. c. 265, § 39[a])   | Feb 2024  | —     |
| 6.206 | Assault to Intimidate [G.L. c. 265, § 39[a])   | Feb 2024  | —     |
| 6.207 | Damage to Property to Intimidate [G.L. c. 265, § 39[a])  | Feb 2024  | —     |
| 6.210 | Assault and Battery on a Police Officer or Public Employee<br>(G.L. c. 265, § 13D)   | Feb 2024  | —     |
| 6.215 | Assault and Battery on a Correction Officer or Correctional<br>Facility Employee (G.L. c. 127, § 38B)  | Sept 2022 | —     |
| 6.220 | Assault and Battery on a Child under 14 Causing Bodily Injury<br>(G.L. c. 265, § 13J [b][par. 1])  | Jun 2019  | —     |
| 6.230 | Wantonly or Recklessly Permitting Bodily Injury to a Child under 14<br>(G.L. c. 265, § 13J [b][par. 3][first part])  | Dec 2019  | —     |
| 6.240 | Wantonly or Recklessly Permitting Another to Commit an Assault and<br>Battery on a Child under 14 Causing Bodily Injury<br>(G.L. c. 265, § 13J [b][par. 3][second part])             | May 2011  | —     |
| 6.250 | Wantonly or Recklessly Permitting Substantial Bodily Injury to a Child<br>under 14 (G.L. c. 265, § 13J [b][par. 4][first part])  | May 2011  | —     |
| 6.260 | Wantonly or Recklessly Permitting Another to Commit an Assault and<br>Battery on a Child under 14 Causing Substantial Bodily Injury<br>(G.L. c. 265, § 13J [b][par. 4][second part]) | May 2011  | —     |
| 6.270 | Assault on Family or Household Member (G.L. c. 265, § 13M)   | Mar 2015  | —     |
| 6.275 | Assault and Battery on Family or Household Member (G.L. c. 265, § 13M)   | Jun 2019  | —     |
| 6.280 | Assault and Battery on an Elder or Disabled Person (G.L. c. 265, § 13K(a)1/2)  | Jun 2019  | —     |

|       |   | <b>Most Recent<br/>Revision</b><br>(exclusive<br>of notes) | <b>Previously<br/>Numbered</b> |
|-------|---|--|--------------------------------|
| 6.281 | Assault and Battery on an Elder or Disabled Person<br>Causing Bodily Injury ( <i>G.L. c. 265, § 13K(b)</i> )                                  | Jun 2019   | —                              |
| 6.282 | Assault and Battery on an Elder or Disabled Person<br>Causing Serious Bodily Injury ( <i>G.L. c. 265, § 13K(c)</i> )                          | Jun 2019   | —                              |
| 6.290 | Caretaker Wantonly or Recklessly Permitted (Serious) Bodily Injury<br>To an Elder or Disabled Person ( <i>G.L. c. 265, § 13K(d) and (e)</i> ) | Dec 2019   | —                              |
| 6.295 | Caretaker Wantonly or Recklessly Abused, Neglected or Mistreated<br>An Elder or Disabled Person ( <i>G.L. c. 265, § 13K(d½)</i> )             | Nov 2019   | —                              |
| 6.300 | Assault and Battery by Means of a Dangerous Weapon<br>( <i>G.L. c. 265, § 15A (b)</i> )   | Dec 2019   | 5.401                          |
| 6.301 | [Verdict Slip]  | Jan 2013   | 5.401                          |
| 6.305 | Assault by Means of a Dangerous Weapon  | Jun 2022   | —                              |
| 6.320 | ABDW Causing Serious Injury ( <i>G.L. c. 265, § 15A [c][i]</i> )  | 2009   | 5.409                          |
| 6.340 | ABDW on a Child under 14 ( <i>G.L. c. 265, § 15A [c][iv]</i> )  | Jun 2005   | 5.4012                         |
| 6.360 | ABDW on a Person Protected by an Abuse Prevention Order<br>( <i>G.L. c. 265, § 15A [c][iii]</i> )   | Jun 2005   | 5.4011                         |
| 6.380 | ABDW on a Pregnant Woman ( <i>G.L. c. 265, § 15A [c][iii]</i> )   | Jun 2005   | 5.4010                         |
| 6.390 | Strangulation or Suffocation ( <i>G.L. c. 265, § 15D</i> )  | Mar 2023   | 6.395                          |
| 6.400 | Custodial Interference by Relative ( <i>G.L. c. 265, § 26A</i> )  | 1988   | 5.405                          |
| 6.500 | Indecent Assault and Battery ( <i>G.L. c. 265, § 13H</i> )  | Jun 2018   | 5.403                          |
| 6.520 | Indecent Assault and Battery on a Child Under Fourteen ( <i>G.L. c. 265, § 13B</i> )  | Jun 2018   | 5.404                          |
| 6.530 | Secretly Photographing a Nude or Partially Nude Person  | Nov 2021   | —                              |
| 6.535 | Secretly Surveilling Under or Around Clothing   | Nov 2021   | —                              |
| 6.540 | Reckless Endangerment of a Child under 18 ( <i>G.L. c. 265, § 13L</i> )   | May 2011   | —                              |
| 6.560 | Enticing a Child under 16 ( <i>G.L. c. 265, § 26C</i> )   | May 2011   | —                              |
| 6.570 | Kidnapping ( <i>G.L. c. 265, §26 [clauses 1 &amp; 2]</i> )  | Nov 2021   | —                              |
| 6.575 | Kidnapping ( <i>G.L. c. 265, §26 [clause 3]</i> )   | Nov 2021   | —                              |

*Abuse-Related Offenses*

|       |   |          |       |
|-------|---|----------|-------|
| 6.600 | Annoying and Accosting Persons ( <i>G.L. c. 272, § 53</i> )             | Jun 2016 | 5.47  |
| 6.620 | Civil Rights Violations ( <i>G.L. c. 265, § 37</i> )                    | Jun 1995 | 5.69  |
| 6.640 | Criminal Harassment ( <i>G.L. c. 265, § 43A</i> )                       | Jan 2013 | 5.621 |
| 6.660 | Harassing or Obscene Telephone Calls ( <i>G.L. c. 269, § 14A</i> )      | May 2011 | 5.70  |
| 6.680 | Stalking ( <i>G.L. c. 265, § 43</i> )                                   | May 2011 | 5.62  |
| 6.700 | Threat to Commit Crime ( <i>G.L. c. 275, §§ 2-4</i> )                   | Jan 2013 | 5.03  |
| 6.720 | Violation of an Abuse Prevention Order ( <i>G.L. c. 209A, § 7</i> )     | Dec 2019 | 5.61  |
| 6.740 | Violation of a Harassment Prevention Order ( <i>G.L. c. 258E, § 9</i> ) | Dec 2019 | —     |

*Public Order Offenses*

|       |  |          |      |
|-------|--|----------|------|
| 7.100 | Bail Jumping ( <i>G.L. c. 276, § 82A</i> )   | 1989     | 5.71 |
| 7.120 | Common Nightwalker ( <i>G.L. c. 272, § 53</i> )  | 1989     | 5.59 |
| 7.140 | Deriving Support from Earnings of a Prostitute ( <i>G.L. c. 272, § 7</i> )   | Jun 2019 | 5.58 |
| 7.160 | Disorderly Conduct ( <i>G.L. c. 272, § 53</i> )  | 1989     | 5.43 |
| 7.180 | Disseminating Obscene Matter; Possession with Intent<br>to Disseminate Obscene Matter ( <i>G.L. c. 272, § 29</i> ) | 1988     | 5.64 |
| 7.200 | Disturbing the Peace ( <i>G.L. c. 272, § 53</i> )  | 1988     | 5.44 |
| 7.210 | Wilful Interference with a Fire Fighting Operation ( <i>G.L. c. 268, § 32A</i> )                                   | May 2014 | —    |
| 7.220 | Escape ( <i>G.L. c. 268, § 16</i> )  | Jun 2016 | 5.72 |
| 7.240 | Failing to Register as a Sex Offender ( <i>G.L. c. 6, § 178H</i> )   | Jan 2009 | —    |
| 7.260 | False Report of a Crime ( <i>G.L. c. 269, § 13A</i> )  | May 2014 | 5.08 |
| 7.270 | Cruelty to Animals ( <i>G.L. c. 272, § 77</i> )  | May 2017 | —    |
| 7.280 | Fighting Animals ( <i>G.L. c. 272, § 94</i> )  | Jun 2005 | 5.73 |

|       |  | <b>Most Recent<br/>Revision</b><br>(exclusive<br>of notes) | <b>Previously<br/>Numbered</b> |
|-------|--|--|--------------------------------|
| 7.300 | Giving False Name upon Arrest (G.L. c. 268, § 34A)   | April 2019   | —                              |
| 7.320 | Illegal Lottery (G.L. c. 271, § 7)   | Jan 2009   | 5.561                          |
| 7.340 | Indecent Exposure (G.L. c. 272, § 53)  | Jan 2009   | 5.423                          |
| 7.360 | Intimidating a Witness, Juror, Court Official or Law Enforcement Officer<br>(G.L. c. 268, § 13B) | Sept 2022  | 5.66                           |
| 7.365 | Intentionally Misleading an Investigator In a Criminal Investigation                             | Jun 2018   | —                              |
| 7.370 | Interfering with a Police Officer  | Nov 2021   | —                              |
| 7.380 | Lewd, Wanton and Lascivious Act (G.L. c. 272, § 53)  | 2009   | 5.422                          |
| 7.400 | Open and Gross Lewdness and Lascivious Behavior (G.L. c. 272, § 16)                              | May 2017   | 5.42                           |
| 7.410 | Furnishing Alcohol to a Minor (G.L. c. 138, § 34)  | May 2014   | —                              |
| 7.420 | Possession of Fireworks (G.L. c. 148, § 39)  | Jun 2005   | 5.46                           |
| 7.440 | Registering Bets (G.L. c. 271, § 17)   | 1988   | 5.56                           |
| 7.460 | Resisting Arrest (G.L. c. 268, § 32B)  | Jan 2009   | 5.45                           |
| 7.480 | Sexual Conduct for a Fee (G.L. c. 272, § 53A)  | 1988   | 5.57                           |
| 7.500 | Unnatural and Lascivious Act (G.L. c. 272, § 35)   | 2009   | 5.421                          |
| 7.520 | Use of Telephone for Betting (G.L. c. 271, § 17A)  | Jun 1995   | 5.55                           |
| 7.540 | Possession of Child Pornography (G.L. c. 272, § 29C)   | Nov 2021   | —                              |
| 7.560 | Wiretapping (G.L. c. 272, § 99)  | Dec 2023   | —                              |

#### *Firearms and Weapons Offenses*

|       |  |           |       |
|-------|--|-----------|-------|
| 7.600 | Possession of a (Firearm) (Rifle) (Shotgun) without a License<br>Outside of Home or Business (G.L. c. 269, § 10 [a]) | Jul 2023  | 5.60  |
| 7.610 | Possession of a Loaded Firearm without a License<br>Outside of Home or Business (G.L. c. 269, § 10 [n])              | Jul 2023  | 5.60  |
| 7.620 | Possession of a (Firearm) (Rifle) (Shotgun) at Home or Business<br>(G.L. c. 269, § 10 [h])                           | Jul 2023  | 5.601 |
| 7.625 | Possession of Ammunition (G.L. c. 269, § 10 [h])   | Jul 2023  | —     |
| 7.630 | Improper Storage of a Firearm (G.L. c. 140, § 131L)  | Nov 2021  | —     |
| 7.635 | Failure to Surrender LTC or FID Card or Firearm, Rifle, Shotgun<br>or Machine Gun (G.L. c. 269, § 10(i))             | Sept 2022 | —     |
| 7.640 | Defacing Firearm Serial Number; Receiving a Firearm<br>with a Defaced Serial Number (G.L. c. 269, § 11C)             | Jun 2005  | 5.604 |
| 7.660 | Possession of Firearm with Defaced Serial Number during Felony<br>(G.L. c. 269, § 11B)                               | Jun 2005  | 5.605 |
| 7.665 | Discharging a Firearm within 500 Feet of a Building<br>(G.L. c. 269, § 12E)  | Sept 2022 | —     |
| 7.670 | Carrying a Loaded Firearm While Under the Influence  | Jun 2022  | —     |
| 7.680 | Carrying Certain Dangerous Weapons (G.L. c. 269, § 10 [b])   | 1988      | 5.602 |
| 7.700 | Carrying a Dangerous Weapon When Arrested (G.L. c. 269, § 10 [b])  | 1988      | 5.603 |

#### *Drug Offenses*

|       |   |          |       |
|-------|---|----------|-------|
| 7.800 | Distribution of a Controlled Substance; Possession with Intent<br>to Distribute a Controlled Substance (G.L. c. 94C, §§ 32-32D) | Nov 2021 | 5.53  |
| 7.820 | Possession of a Controlled Substance (G.L. c. 94C, § 34)  | Nov 2021 | 5.52  |
| 7.840 | Sale of Drug Paraphernalia; Possession with Intent to<br>Sell Drug Paraphernalia (G.L. c. 94C, § 32I)                           | Jan 2009 | 5.532 |
| 7.841 | [Appendix: Definition of “Drug Paraphernalia” (G.L. c. 94C, § 1)]   | Jan 2009 | 5.532 |
| 7.860 | School Zone Drug Violation (G.L. c. 94C, § 32J)   | Nov 2021 | 5.533 |
| 7.870 | Park Zone Drug Violation (G.L. c. 94C, § 32J)   | Nov 2021 | 7.860 |
| 7.900 | Conspiracy to Violate the Drug Laws (G.L. c. 94C, § 40))  | Dec 2019 | —     |

#### *Marijuana Instructions*

|                          |   | Most Recent<br>Revision<br>(exclusive<br>of notes) | Previously<br>Numbered |
|--------------------------|---|--|------------------------|
| 7.810                    | Distribution of Marijuana   | Nov 2021   | —                      |
| 7.815                    | Furnishing Marijuana to Person Under 21   | Nov 2021   | —                      |
| 7.825                    | Possession of Marijuana   | Nov 2021   | —                      |
| 7.830                    | Possession with Intent to Distribute Controlled Substance Other than Marijuana  | Nov 2021   | —                      |
| 7.835                    | Possession with Intent to Distribute Marijuana  | Nov 2021   | —                      |
| <i>Property Offenses</i> |   |  |                        |
| 8.100A                   | Breaking / Entering Instructions Index  | Mar 2023   | —                      |
| 8.100                    | Breaking and Entering (Building) (Ship) (Vessel) (Vehicle) in Nighttime With Intent to Commit a Felony (G.L. c. 266, § 16)  | Mar 2023   | 5.31                   |
| 8.102                    | Breaking and Entering (Building) (Ship) (Vessel) (Vehicle) with Intent to Commit a Felony Putting a Person Therein in Fear (G.L. c. 266, § 17)  | Mar 2023   | —                      |
| 8.104                    | Breaking and Entering in Daytime to (Building) (Ship) (Vessel) (Vehicle) With Intent to Commit Felony (No Person in Fear) (G.L. c. 266, § 18)   | Mar 2023   | —                      |
| 8.106                    | Breaking and Entering (Daytime or Nighttime) with Intent to Commit a Misdemeanor (G.L. c. 266, § 16A)   | Mar 2023   | —                      |
| 8.108                    | Entering (Without Breaking) a (Building) (Ship) (Vessel) (Vehicle) in Nighttime with Intent to Commit a Felony Putting a Person Therein in Fear (G.L. c. 266, § 17)   | Mar 2023   | —                      |
| 8.110                    | Entering without Breaking a Dwelling in Nighttime with Intent to Commit A Felony (No Person Therein Being Put in Fear) (G.L. c. 266, § 18)  | Mar 2023   | —                      |
| 8.112                    | Breaking Into, Burning, Injuring, or Destroying a Safe, Vault or Other Depository with Intent to Commit a Larceny or Felony (G.L. c. 266, § 16)   | Mar 2023   | —                      |
| 8.120                    | Burning Insured Property (G.L. c. 266, § 10)  | Jun 1995   | 5.35                   |
| 8.140                    | Burning Personal Property, Motor Vehicle, etc. (G.L. c. 266, § 5)   | 1988   | 5.36                   |
| 8.160                    | Forgery (G.L. c. 267, §§ 1-8)   | 1989   | 5.331                  |
| 8.180                    | Possession of Burglarious Tools (G.L. c. 266, § 49)   | Jun 2006   | 5.54                   |
| 8.200                    | Theft, Purchase, Receipt, Possession or Concealment of Stolen Motor Vehicle; Malicious Damage to Motor Vehicle; Stealing Parts from Motor Vehicle Taken Without Authority; Concealing Motor Vehicle Thief (G.L. c. 266, § 28) | May 2017   | 5.321                  |
| 8.220                    | Trespass (G.L. c. 266, § 120)   | Mar 2017   | 5.34                   |
| 8.240                    | Uttering (G.L. c. 267, §§ 5-6)  | Jan 2009   | 5.332                  |
| 8.250                    | Vandalism (G.L. c. 266, § 126A)   | May 2017   | —                      |
| 8.260                    | Wanton Destruction of Property (G.L. c. 266, § 127)   | April 2019   | 5.30                   |
| 8.280                    | Wilful and Malicious Destruction of Property (G.L. c. 266, § 127)   | April 2019   | 5.301                  |
| 8.300                    | Wilful or Wanton Destruction of House of Worship, Cemetery or School (G.L. c. 266, § 127A)  | Jun 1995   | 5.302                  |
| <i>Larceny Offenses</i>  |   |  |                        |
| 8.400                    | Fraudulent Insurance Claim (G.L. c. 266, § 111A)  | Jun 1995   | 5.417                  |
| 8.420                    | Identity Fraud by Posing as Another (G.L. c. 266, § 37E [b])  | Sep 2006   | 5.419                  |
| 8.440                    | Identity Fraud by Obtaining Personal Information (G.L. c. 266, § 37E [c])   | Sep 2006   | 5.420                  |
| 8.460                    | Larceny by Check (G.L. c. 266, § 37)  | Sep 2017   | 5.412                  |
| 8.480                    | Larceny by Embezzlement (G.L. c. 266, § 30)   | Jan 2009   | 5.415                  |
| 8.500                    | Larceny by False Pretenses (G.L. c. 266, § 30)  | April 2019   | 5.413                  |
| 8.520                    | Larceny by Stealing (G.L. c. 266, § 30)   | Nov 2021   | 5.41                   |
| 8.521                    | [Verdict Slip]  | April 2019   | 5.41                   |
| 8.525                    | Larceny by Stealing from Person Age 60 or Older/Disabled (G.L. c. 266, § 30 (5))  | Sept 2022  | —                      |

|        |   | <b>Most Recent<br/>Revision</b><br>(exclusive<br>of notes) | <b>Previously<br/>Numbered</b> |
|--------|---|--|--------------------------------|
| 8.540  | Larceny by Stealing in a Building (G.L. c. 266, § 20)   | Jan 2009   | 5.411                          |
| 8.560  | Larceny from the Person (G.L. c. 266, § 25 [b])   | 1988   | 5.414                          |
| 8.580  | Larceny of Leased or Rented Personal Property (G.L. c. 266, § 87)                                 | 2009   | 5.416                          |
| 8.600  | Receiving Stolen Property (G.L. c. 266, § 60)   | April 2019   | 5.32                           |
| 8.620  | Shoplifting (G.L. c. 266, § 30A)  | April 2019   | 5.68                           |
| 8.640  | Unauthorized Transfer of Sound Recordings (G.L. c. 266, § 143A)                                   | Jun 1995   | 5.418                          |
| 8.700A | Credit Card Fraud Instructions Index  | Mar 2023   | —                              |
| 8.700  | False Statement to Procure a Credit Card (G.L. c. 266, § 37B(a))                                  | Mar 2023   | —                              |
| 8.710  | Larceny of a Credit Card from a Person (G.L. c. 266, § 37B(b))                                    | Mar 2023   | —                              |
| 8.720  | Receiving a Stolen Credit Card (G.L. c. 266, § 37B(b))  | Mar 2023   | —                              |
| 8.730  | Receiving a Lost or Misdelivered Credit Card (G.L. c. 266, § 37B(c))                              | Mar 2023   | —                              |
| 8.740  | Unauthorized Sale of a Credit Card (G.L. c. 266, § 37B(d))  | Mar 2023   | —                              |
| 8.750  | Unauthorized Purchase of a Credit Card (G.L. c. 266, § 37B(d))                                    | Mar 2023   | —                              |
| 8.760  | Unauthorized Signing of a Credit Card (G.L. c. 266, § 37B(e))                                     | Mar 2023   | —                              |
| 8.770  | Fraudulent Use of a Forged, Expired, or Revoked Credit Card<br>(G.L. c. 266, § 37B(f))            | Mar 2023   | —                              |
| 8.780  | Obtaining Something with a Credit Card by Fraudulent<br>Misrepresentation (G.L. c. 266, § 37B(g)) | Mar 2023   | —                              |
| 8.790  | Fraudulent Acceptance of a Credit Card by a Vendor (G.L. c. 266, § 37B(h))                        | Mar 2023   | —                              |
| 8.800  | Failure to Furnish Items Purchased by Credit Card (G.L. c. 266, § 37B(i))                         | Mar 2023   | —                              |
| 8.810  | Receiving Something of Value Fraudulently Obtained by Credit Card<br>(G.L. c. 266, § 37B(j))      | Mar 2023   | —                              |
| 8.820  | Falsely Reporting a Credit Card to be Lost or Stolen (G.L. c. 266, § 37B(k))                      | Mar 2023   | —                              |
| 8.900  | Cheating and Swindling  | Aug 2023   | —                              |

## DEFENSE AND JUSTIFICATION

|       |  |          |       |
|-------|--|----------|-------|
| 9.100 | Accident   | 1988     | 6.08  |
| 9.120 | Alibi  | 1989     | 6.01  |
| 9.140 | Entrapment   | Jun 2023 | 6.04  |
| 9.160 | Identification   | Nov 2015 | 6.05  |
| 9.180 | Intoxication with Alcohol or Drugs   | Jun 1995 | 6.06  |
| 9.200 | Lack of Criminal Responsibility  | Jun 2022 | 6.03  |
| 9.220 | Mental Impairment Short of Insanity  | 1988     | 6.031 |
| 9.230 | Duress   | May 2017 | 9.240 |
| 9.240 | Necessity  | May 2017 | 6.02  |
| 9.250 | Parental Discipline  | Jun 2016 | —     |
| 9.260 | Self-Defense Table of Contents   | Dec 2023 | 6.07  |
| 9.261 | Instruction to Self-Defense  | Dec 2023 | —     |
| 9.262 | Self-Defense: Use of Non-Deadly Force  | Dec 2023 | —     |
| 9.263 | Self-Defense: Use of Deadly Force  | Dec 2023 | —     |
| 9.264 | Self-Defense: Self-Defense: Level of Force<br>is a Matter of Fact for the Jury | Dec 2023 | —     |

## INSTRUCTIONS AFTER TRIAL

|                           |                           |          |   |
|---------------------------|---------------------------|----------|---|
| 10.100                    | Juror Contact After Trial | Jun 2022 | — |
| <b>ALPHABETICAL INDEX</b> |                           | Mar 2023 | — |