



**FROM THE COMMITTEE
ON MODEL CRIMINAL
JURY INSTRUCTIONS**

The Committee on Model Criminal Jury Instructions solicits comment on the following proposal by August 1, 2026. 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.

PROPOSED

The Committee proposes a new jury instruction, M Crim JI 37.8b (Using Position of Authority to Prevent Report of Child Abuse, Criminal Sexual Conduct, or Assault with Intent to Commit Criminal Sexual Conduct), to address the crime set forth in MCL 750.483a(1)(c), as amended by 2023 PA 49. This instruction is entirely new. Please note that the instruction previously designated as M Crim JI 37.8b has been renumbered as M Crim JI 37.8c (Retaliating for Crime Report).

[NEW] M Crim JI 37.8b Using Position of Authority to Prevent Report of Child Abuse, Criminal Sexual Conduct, or Assault with Intent to Commit Criminal Sexual Conduct

(1) The defendant is charged with the crime of using [his / her] position of authority to prevent someone from reporting [child abuse / criminal sexual conduct / assault with intent to commit criminal sexual conduct]. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant held a position of professional authority over [name complainant].

(3) Second, that the defendant used [his / her] position of authority to prevent or attempt to prevent [name complainant] from reporting [child abuse / criminal sexual conduct / an assault with intent to commit criminal sexual conduct]¹ committed by [name perpetrator].

(4) Third, that when the defendant used [his / her] position of authority in this way, [he / she] intended to prevent [name complainant] from reporting [child

abuse / criminal sexual conduct / an assault with intent to commit criminal sexual conduct] committed by [*name perpetrator*].²

Use Notes

1. MCL 750.483a(1)(c) applies only when the crime to be reported is a violation of MCL 750.136b (child abuse), MCL 750.520b (first-degree criminal sexual conduct), MCL 750.520c (second-degree criminal sexual conduct), MCL 750.520d (third-degree criminal sexual conduct), MCL 750.520e (fourth-degree criminal sexual conduct), or MCL 750.520g (assault with intent to commit criminal sexual conduct). The Committee on Model Criminal Jury Instructions believes that the question whether the conduct that was attempted to be reported amounted to a violation of these statutes is a question of law for the court to determine and that the elements of a crime attempted to be reported do not have to be proven. *See People v Holley*, 480 Mich 222; 747 NW2d 856 (2008).

2. This is a specific intent crime.