



# **SUPREME COURT OF MISSOURI**

**en banc**

September 8, 2004

In re: Revisions, additions and withdrawals  
to MACH-CR and MAI-CR 3d

Effective January 1, 2005

## **TABLE OF INSTRUCTIONS**

### **How to Use This Book (Revision)**

MACH-CR 2.30	Indictment or Information -- Repeat Offenders and "Abuse and Lose" (Charge - Revision) (Notes on Use - Revision)
MAI-CR 3d 302.01	Duties of Judge and Jury (Instruction - Revision) (Notes on Use - Revision)
MAI-CR 3d 304.02	The Principal Offense: General Rules (Instruction - Revision) (Notes on Use - Revision)
MAI-CR 3d 304.06	Attempts: Punishment Under Section 564.011, RSMo (Instruction - Unchanged) (Notes on Use - Revision)
MAI-CR 3d 304.07	Attempts: Punishment Other Than Section 564.011, RSMo (Instruction - Unchanged) (Notes on Use - Revision)

MAI-CR 3d 304.09	The Principal Offense: Modifications for Hate Crimes -- Enhanced Penalties (Instruction - New) (Notes on Use - New)
MAI-CR 3d 304.11	Defenses (Instruction - Revision)
MAI-CR 3d 305.01	First Instruction: After a Finding of Guilt (Instruction - Revision) (Notes on Use - Revision)
MAI-CR 3d 310.19	Limiting Instruction: Use of Transcript (Instruction - New) (Notes on Use - New)
MACH-CR 18.09	Indictment or Information Modifications for Hate Crimes -- Enhanced Penalties (Charge - New) (Notes on Use - New)
MACH-CR 19.32	Assault of a Law Enforcement Officer or Emergency Personnel in the First Degree (Title - Revision) (Charge - Revision) (Notes on Use - Revision)
MAI-CR 3d 319.32	Assault of a Law Enforcement Officer or Emergency Personnel in the First Degree (Title - Revision) (Instruction - Revision) (Notes on Use - Revision)
MACH-CR 19.34	Assault of a Law Enforcement Officer or Emergency Personnel in the Second Degree: Deadly Weapon or Dangerous Instrument (Title - Revision) (Charge - Revision) (Notes on Use - Revision)
MAI-CR 3d 319.34	Assault of a Law Enforcement Officer or Emergency Personnel in the Second Degree: Deadly Weapon or Dangerous Instrument (Title - Revision) (Instruction - Revision)

(Notes on Use - Revision)

MACH-CR 19.36	<p>Assault of a Law Enforcement Officer or Emergency Personnel in the Second Degree: Recklessly Causing Serious Physical Injury (Title - Revision) (Charge - Revision) (Notes on Use - Revision)</p>
MAI-CR 3d 319.36	<p>Assault of a Law Enforcement Officer or Emergency Personnel in the Second Degree: Recklessly Causing Serious Physical Injury (Title - Revision) (Instruction - Revision) (Notes on Use - Revision)</p>
MACH-CR 19.37	<p>Assault of a Law Enforcement Officer or Emergency Personnel in the Second Degree: Class C Felony (Charge - New) (Notes on Use - New)</p>
MAI-CR 3d 319.37	<p>Assault of a Law Enforcement Officer or Emergency Personnel in the Second Degree: Class C Felony (Instruction - New) (Notes on Use - New)</p>
MACH-CR 19.38	<p>Assault of a Law Enforcement Officer or Emergency Personnel in the Second Degree: Driving While Intoxicated (Title - Revision) (Charge - Revision) (Notes on Use - Revision)</p>
MAI-CR 3d 319.38	<p>Assault of a Law Enforcement Officer or Emergency Personnel in the Second Degree: Driving While Intoxicated (Title - Revision) (Instruction - Revision) (Notes on Use - Revision)</p>
MACH-CR 19.39	<p>Assault of a Law Enforcement Officer or Emergency Personnel in the Third Degree (Title - Revision) (Charge - Revision) (Notes on Use - Revision)</p>
MAI-CR 3d 319.39	<p>Assault of a Law Enforcement Officer or Emergency Personnel in the Third Degree (Title - Revision)</p>

	(Instruction - Revision) (Notes on Use - Revision)
MACH-CR 19.44	Invasion of Privacy in the First Degree (Charge - New) (Notes on Use - New)
MAI-CR 3d 319.44	Invasion of Privacy in the First Degree (Instruction - New) (Notes on Use - New)
MACH-CR 19.46	Invasion of Privacy in the Second Degree (Charge - New) (Notes on Use - New)
MAI-CR 3d 319.46	Invasion of Privacy in the Second Degree (Instruction - New) (Notes on Use - New)
MAI-CR 3d 320.13	Statutory Sodomy in the Second Degree (Instruction - Revision) (Notes on Use - Revision)
MACH-CR 20.17	Child Molestation in the First Degree (Charge - Revision) (Notes on Use - Revision)
MACH-CR 20.23.1	Sexual Misconduct in the Second Degree by Indecent Exposure (Charge - Revision) (Notes on Use - Revision)
MAI-CR 3d 320.23.1	Sexual Misconduct in the Second Degree by Indecent Exposure (Instruction - Unchanged) (Notes on Use - Revision)
MACH-CR 20.23.2	Sexual Misconduct in the Second Degree by Public Sexual Activity (Title - Revision) (Charge - Revision) (Notes on Use - Revision)
MAI-CR 3d 320.23.2	Sexual Misconduct in the Second Degree by Public Sexual Activity (Title - Revision) (Instruction - Revision)

(Notes on Use - Revision)

MACH-CR 20.29.1	Sexual Misconduct Involving a Child by Indecent Exposure (Charge - Revision) (Notes on Use - Revision)
MAI-CR 3d 320.29.1	Sexual Misconduct Involving a Child by Indecent Exposure (Instruction - Unchanged) (Notes on Use - Revision)
MACH-CR 20.29.2	Sexual Misconduct Involving a Child by Coercion or Inducement (Title - Revision) (Charge - Revision) (Notes on Use - Revision)
MAI-CR 3d 320.29.2	Sexual Misconduct Involving a Child by Coercion or Inducement (Title - Revision) (Instruction - Revision) (Notes on Use - Revision)
MACH-CR 20.31	Failure to Register as a Sex Offender (Charge - Withdrawn) (Notes on Use - Withdrawn)
MAI-CR 3d 320.31	Failure to Register as a Sex Offender (Instruction - Withdrawn) (Notes on Use - Withdrawn)
MACH-CR 20.35	Unlawful Sex with an Animal (Charge - New) (Notes on Use - New)
MAI-CR 3d 320.35	Unlawful Sex with an Animal (Instruction - New) (Notes on Use - New)
MACH-CR 20.37	Enticement of a Child (Charge - New) (Notes on Use - New)
MAI-CR 3d 320.37	Enticement of a Child (Instruction - New) (Notes on Use - New)

MACH-CR 24.62	Financial Exploitation of the Elderly and Disabled (Charge - New) (Notes on Use - New)
MAI-CR 3d 324.62	Financial Exploitation of the Elderly and Disabled (Instruction - New) (Notes on Use - New)
MACH-CR 25.04.1	Controlled Substances: Distribution, Delivery or Sale (Charge - Unchanged) (Notes on Use - Revision)
MAI-CR 3d 325.04.1	Controlled Substances: Distribution, Delivery or Sale (Instruction - Unchanged) (Notes on Use - Revision)
MACH-CR 25.04.2	Controlled Substances: Attempt to Distribute, Deliver or Sell (Charge - Unchanged) (Notes on Use - Revision)
MAI-CR 3d 325.04.2	Controlled Substances: Attempt to Distribute, Deliver or Sell (Instruction - Unchanged) (Notes on Use - Revision)
MACH-CR 25.06.1	Controlled Substances: Manufacture or Production (Charge - Revision) (Notes on Use - Revision)
MAI-CR 3d 325.06.1	Controlled Substances: Manufacture or Production (Instruction - Revision) (Notes on Use - Revision)
MACH-CR 25.06.2	Controlled Substances: Attempt to Manufacture or Produce (Charge - Revision) (Notes on Use - Revision)
MAI-CR 3d 325.06.2	Controlled Substances: Attempt to Manufacture or Produce (Instruction - Revision) (Notes on Use - Revision)
MACH-CR 25.08	Controlled Substances: Possession With Intent to Distribute, Deliver, or Sell

(Charge - Unchanged)  
(Notes on Use - Revision)

MAI-CR 3d 325.08      Controlled Substances: Possession With Intent to Distribute, Deliver, or Sell

(Instruction - Unchanged)  
(Notes on Use - Revision)

MACH-CR 25.30      Controlled Substances: Distribution, Delivery, or Sale Near Schools

(Charge - Unchanged)  
(Notes on Use - Revision)

MAI-CR 3d 325.30      Controlled Substances: Distribution, Delivery, or Sale Near Schools

(Instruction - Unchanged)  
(Notes on Use - Revision)

MACH-CR 25.38      Maintaining or Keeping a Public Nuisance

(Charge - New)  
(Notes on Use - New)

MAI-CR 3d 325.38      Maintaining or Keeping a Public Nuisance

(Instruction - New)  
(Notes on Use - New)

MACH-CR 27.02      Promoting Obscenity in the First Degree

(Charge - New)  
(Notes on Use - New)

MAI-CR 3d 327.02      Promoting Obscenity in the First Degree: In General

(Instruction - New)  
(Notes on Use - New)

MAI-CR 3d 327.04      Promoting Obscenity in the First Degree: For Minors

(Instruction - New)  
(Notes on Use - New)

MAI-CR 3d 327.06      Promoting Obscenity in the First Degree: For Computer

(Instruction - New)  
(Notes on Use - New)

MACH-CR 27.08      Promoting Pornography for Minors or Obscenity in the Second Degree

(Charge - New)



(Notes on Use - New)

MAI-CR 3d 327.08	Promoting Pornography for Minors or Obscenity in the Second Degree (Instruction - New) (Notes on Use - New)
MAI-CR 3d 327.10	Promoting Pornography for Minors: Computer (Instruction - New) (Notes on Use - New)
MACH-CR 27.12	Promoting Child Pornography in the First Degree (Charge - New) (Notes on Use - New)
MAI-CR 3d 327.12	Promoting Child Pornography in the First Degree (Instruction - New) (Notes on Use - New)
MACH-CR 27.14	Promoting Child Pornography in the Second Degree (Charge - New) (Notes on Use - New)
MAI-CR 3d 327.14	Promoting Child Pornography in the Second Degree (Instruction - New) (Notes on Use - New)
MACH-CR 27.16	Possession of Child Pornography (Charge - New) (Notes on Use - New)
MAI-CR 3d 327.16	Possession of Child Pornography (Instruction - New) (Notes on Use - New)
MACH-CR 27.18	Sexual Exploitation of a Minor (Charge - New) (Notes on Use - New)
MAI-CR 3d 327.18	Sexual Exploitation of a Minor (Instruction - New) (Notes on Use - New)

MACH-CR 28.26	Money Laundering (Charge - Revision) (Notes on Use - Revision)
MAI-CR 3d 328.26	Money Laundering (Instruction - Revision) (Notes on Use - Revision)
MACH-CR 28.32	Agroterrorism (Charge - New) (Notes on Use - New)
MAI-CR 3d 328.32	Agroterrorism (Instruction - New) (Notes on Use - New)

MACH-CR 29.85	Tampering with a Judicial Officer (Charge - Revision) (Notes on Use - Revision)
MAI-CR 3d 329.85	Tampering with a Judicial Officer (Instruction - Revision) (Notes on Use - Revision)
MAI-CR 3d 331.11	Leaving the Scene of a Shooting (Instruction - Unchanged) (Notes on Use - Revision)
MACH-CR 31.20	Unlawful Use of a Weapon: Carrying a Concealed Weapon (Charge - Unchanged) (Notes on Use - Revision)
MAI-CR 3d 331.20	Unlawful Use of a Weapon: Carrying a Concealed Weapon (Instruction - Unchanged) (Notes on Use - Revision)
MACH-CR 31.22	Unlawful Use of a Weapon: Exhibiting (Charge - Unchanged) (Notes on Use - Revision)
MAI-CR 3d 331.22	Unlawful Use of a Weapon: Exhibiting (Instruction - Unchanged) (Notes on Use - Revision)
MACH-CR 31.24	Unlawful Use of a Weapon: Possessing or Discharging a Firearm While Intoxicated (Title - Revision) (Charge - Revision) (Notes on Use - Revision)
MAI-CR 3d 331.24	Unlawful Use of a Weapon: Possessing or Discharging a Firearm While Intoxicated (Title - Revision) (Instruction - Revision) (Notes on Use - Revision)
MACH-CR 31.26	Unlawful Use of a Weapon: Shooting Into a Dwelling, etc. (Charge - Unchanged) (Notes on Use - Revision)

MAI-CR 3d 331.26	Unlawful Use of a Weapon: Shooting Into a Dwelling, etc. (Instruction - Unchanged) (Notes on Use - Revision)
MACH-CR 31.27	Unlawful Use of a Weapon: Carrying a Weapon: School Bus, School Premises or School Activity (Charge - Unchanged) (Notes on Use - Revision)
MAI-CR 3d 331.27	Unlawful Use of a Weapon: Carrying a Weapon: School Bus, School Premises or School Activity (Instruction - Unchanged) (Notes on Use - Revision)
MACH-CR 31.30	Unlawful Use of a Weapon: Drive by Shootings or Shooting at Person, Building or Motor Vehicle (Title - Revision) (Charge - Revision) (Notes on Use - Revision)
MAI-CR 3d 331.30	Unlawful Use of a Weapon: Drive by Shootings or Shooting at Person, Building or Motor Vehicle (Title - Revision) (Instruction - Revision) (Notes on Use - Revision)
MACH-CR 31.32	Unlawful Possession, Manufacture, Transport, Repair or Sale of Certain Weapons (Charge - New) (Notes on Use - New)
MAI-CR 3d 331.32	Unlawful Possession, Manufacture, Transport, Repair or Sale of Certain Weapons (Instruction - New) (Notes on Use - New)
MACH-CR 32.48	Driving While License Suspended, Revoked or Canceled (Charge - Unchanged) (Notes on Use - Revision)
MAI-CR 3d 332.48	Driving While License Suspended, Revoked or Canceled (Instruction - Unchanged) (Notes on Use - Revision)

MACH-CR 32.52	Violation of Order of Protection (Charge - Revision) (Notes on Use - Revision)
MAI-CR 3d 332.52	Violation of Order of Protection (Instruction - Revision) (Notes on Use - Revision)
MACH-CR 32.84	Abandonment of a Corpse (Charge - New) (Notes on Use - New)
MAI-CR 3d 332.84	Abandonment of a Corpse (Instruction - New) (Notes on Use - New)
MAI-CR 3d 333.00	Definitions - Specific (Revision)

## ORDER

1. Revisions, additions and withdrawals to previously approved pattern criminal indictments and informations (MACH-CR) as listed above, having been prepared by the Committee on Procedure in Criminal Cases and reviewed by the Court, are hereby adopted and approved.

2. Revisions, additions and withdrawals to previously approved criminal instructions and Notes on Use (MAI-CR 3d) as listed above, having been prepared by the Committee on Procedure in Criminal Cases and reviewed by the Court, are hereby adopted and approved.

3. The revisions and additions as set forth in the specific exhibits attached hereto must be used and followed on and after January 1, 2005, and may be used and followed prior thereto, and any such use shall not be presumed to be error.

4. It is further ordered that the above Table of Instructions and this Order, without the specific exhibits attached hereto, be published in the Journal of The Missouri Bar and the South Western Reporter.

Day - to - Day

Ronnie L. White  
Chief Justice