



**SUPREME COURT OF MISSOURI**  
**en banc**

November 22, 2005

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

Effective March 1, 2006

**TABLE OF INSTRUCTIONS**

|                   |  |
|-------------------|--|
| MAI-CR 3d 304.11  | Defenses<br>(Instruction - Revision)   |
| MAI-CR 3d 313.40  | Guilty of Murder in the First Degree: Statutory Aggravating<br>Circumstances: Finding Required for Death Penalty<br>(Instruction - Revision)<br>(Notes on Use - Revision)                            |
| MAI-CR 3d 313.48A | Guilty of Murder in the First Degree: Verdict Mechanics<br>(Instruction - Revision)<br>(Notes on Use - Revision)   |
| MAI-CR 3d 313.48B | Guilty of Murder in the First Degree: Verdict Mechanics<br>(Instruction - Revision)<br>(Notes on Use - Revision)   |
| MAI-CR 3d 314.40  | Guilty of Murder in the First Degree: Statutory Aggravating<br>Circumstances: Finding Required for Death Penalty<br>(After August 28, 2001)<br>(Instruction - Revision)<br>(Notes on Use - Revision) |
| MAI-CR 3d 314.48  | Guilty of Murder in the First Degree: Verdict Mechanics<br>(After August 28, 2001)<br>(Instruction - Revision)<br>(Notes on Use - Revision)  |

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| MACH-CR 19.40      | Stalking<br>(Charge - Revision)<br>(Notes on Use - Revision)   |
| MAI-CR 3d 319.40   | Stalking<br>(Instruction - Revision)<br>(Notes on Use - Revision)  |
| MACH-CR 19.42      | Aggravated Stalking<br>(Charge - Revision)<br>(Notes on Use - Revision)  |
| MAI-CR 3d 319.42   | Aggravated Stalking<br>(Instruction - Revision)<br>(Notes on Use - Revision)   |
| MAI-CR 3d 320.13   | Statutory Sodomy in the Second Degree<br>(Instruction - Revision)<br>(Notes on Use - Revision)   |
| MAI-CR 3d 320.21   | Sexual Misconduct in the First Degree by Contact<br>(Title - Revision to Instruction Number Only)<br>(Instruction - Unchanged)<br>(Notes on Use - Unchanged) |
| MACH-CR 20.29.1    | Sexual Misconduct Involving a Child by Indecent Exposure<br>(Charge - Revision)<br>(Notes on Use - Revision)   |
| MAI-CR 3d 320.29.1 | Sexual Misconduct Involving a Child by Indecent Exposure<br>(Instruction - Revision)<br>(Notes on Use - Revision)  |
| MACH-CR 20.29.2    | Sexual Misconduct Involving a Child by Coercion or Inducement<br>(Charge - Revision)<br>(Notes on Use - Revision)  |
| MAI-CR 3d 320.29.2 | Sexual Misconduct Involving a Child by Coercion or Inducement<br>(Instruction - Revision)<br>(Notes on Use - Revision)                                       |
| MACH-CR 20.39      | Failure to Register as a Sex Offender<br>(Charge - New)<br>(Notes on Use - New)  |

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| MAI-CR 3d 320.39   | Failure to Register as a Sex Offender<br>(Instruction - New)<br>(Notes on Use - New)                                 |
| MACH-CR 20.41      | Failure of Registered Sexual Offenders to Notify of Change of Address<br>(Charge - New)<br>(Notes on Use - New)      |
| MAI-CR 3d 320.41   | Failure of Registered Sexual Offenders to Notify of Change of Address<br>(Instruction - New)<br>(Notes on Use - New) |
| MACH-CR 21.02      | Prostitution<br>(Charge - Revision)<br>(Notes on Use - Revision)   |
| MAI-CR 3d 321.02   | Prostitution<br>(Instruction - Revision)<br>(Notes on Use - Revision)  |
| MACH-CR 21.04      | Patronizing Prostitution<br>(Charge - Revision)<br>(Notes on Use - Revision)   |
| MAI-CR 3d 321.04   | Patronizing Prostitution<br>(Instruction - Revision)<br>(Notes on Use - Revision)                                    |
| MACH-CR 22.10      | Endangering the Welfare of a Child in the First Degree<br>(Charge - Revision)<br>(Notes on Use - Revision)           |
| MAI-CR 3d 322.10   | Endangering the Welfare of a Child in the First Degree<br>(Instruction - Revision)<br>(Notes on Use - Revision)      |
| MACH-CR 24.02.1    | Stealing: Without Consent<br>(Charge - Revision)<br>(Notes on Use - Revision)  |
| MAI-CR 3d 324.02.1 | Stealing: Without Consent<br>(Instruction - Revision)<br>(Notes on Use - Revision)                                   |

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| MACH-CR 24.02.2    | Stealing: By Deceit<br>(Charge - Revision)<br>(Notes on Use - Revision)                                   |
| MAI-CR 3d 324.02.2 | Stealing: By Deceit<br>(Instruction - Revision)<br>(Notes on Use - Revision)                              |
| MACH-CR 24.02.3    | Stealing: By Coercion<br>(Charge - Revision)<br>(Notes on Use - Revision)                                 |
| MAI-CR 3d 324.02.3 | Stealing: By Coercion<br>(Instruction - Revision)<br>(Notes on Use - Revision)                            |
| MACH-CR 24.20.4    | Forgery: Using, Possessing, or Transferring<br>(Charge - Unchanged)<br>(Notes on Use - Revision)          |
| MAI-CR 3d 324.20.4 | Forgery: Using, Possessing, or Transferring<br>(Instruction - Revision)<br>(Notes on Use - Revision)      |
| MACH-CR 24.41      | Trafficking in Stolen Identities<br>(Charge - New)<br>(Notes on Use - New)                                |
| MAI-CR 3d 324.41   | Trafficking in Stolen Identities<br>(Instruction - New)<br>(Notes on Use - New)                           |
| MACH-CR 24.42      | Identity Theft<br>(Charge - Revision)<br>(Notes on Use - Revision)  |
| MAI-CR 3d 324.42   | Identity Theft<br>(Instruction - Revision)<br>(Notes on Use - Revision)                                   |
| MACH-CR 25.06.1    | Controlled Substances: Manufacture or Production<br>(Charge - Revision)<br>(Notes on Use - Revision)      |
| MAI-CR 3d 325.06.1 | Controlled Substances: Manufacture or Production<br>(Instruction - Revision)<br>(Notes on Use - Revision) |

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| MACH-CR 25.06.2    | Controlled Substances: Attempt to Manufacture or Produce<br>(Charge - Revision)<br>(Notes on Use - Revision)                 |
| MAI-CR 3d 325.06.2 | Controlled Substances: Attempt to Manufacture or Produce<br>(Instruction - Revision)<br>(Notes on Use - Revision)            |
| MACH-CR 25.30      | Controlled Substances: Distribution, Delivery, or Sale Near Schools<br>(Charge - Revision)<br>(Notes on Use - Revision)      |
| MAI-CR 3d 325.30   | Controlled Substances: Distribution, Delivery, or Sale Near Schools<br>(Instruction - Revision)<br>(Notes on Use - Revision) |
| MACH-CR 25.40      | Possession of Anhydrous Ammonia in a Nonapproved Container<br>(Charge - New)<br>(Notes on Use - New)                         |
| MAI-CR 3d 325.40   | Possession of Anhydrous Ammonia in a Nonapproved Container<br>(Instruction - New)<br>(Notes on Use - New)                    |
| MACH-CR 27.20      | Furnishing Pornographic Materials to Minors<br>(Charge - New)<br>(Notes on Use - New)  |
| MAI-CR 3d 327.20   | Furnishing Pornographic Materials to Minors: Material<br>(Instruction - New)<br>(Notes on Use - New)                         |
| MAI-CR 3d 327.22   | Furnishing Pornographic Materials to Minors: Performance<br>(Instruction - New)<br>(Notes on Use - New)                      |
| MAI-CR 3d 327.24   | Furnishing Pornographic Materials to Minors: For Computer<br>(Instruction - New)<br>(Notes on Use - New)                     |
| MACH-CR 28.30      | Making a Terroristic Threat<br>(Charge - New)<br>(Notes on Use - New)  |
| MAI-CR 3d 328.30   | Making a Terroristic Threat<br>(Instruction - New)<br>(Notes on Use - New)   |

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| MACH-CR 29.50.3    | False Impersonation: To a Law Enforcement Officer After Arrest<br>(Charge - New)<br>(Notes on Use - New)         |
| MAI-CR 3d 329.50.3 | False Impersonation: To a Law Enforcement Officer After Arrest<br>(Instruction - New)<br>(Notes on Use - New)    |
| MACH-CR 29.81      | Delivery or Concealment of Prohibited Articles in Jail<br>(Charge - Unchanged)<br>(Notes on Use - Revision)      |
| MAI-CR 3d 329.81   | Delivery or Concealment of Prohibited Articles in Jail<br>(Instruction - Unchanged)<br>(Notes on Use - Revision) |
| MACH-CR 32.02      | Armed Criminal Action<br>(Charge - Revision)<br>(Notes on Use - Revision)  |
| MAI-CR 3d 332.02   | Armed Criminal Action<br>(Instruction - Revision)<br>(Notes on Use - Revision)                                   |
| MAI-CR 3d 333.00   | Definitions - Specific<br>(Revision)   |

## **ORDER**

1. Revisions and additions 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 and additions 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 March 1, 2006, 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

Michael A. Wolff  
Chief Justice