PUBLICATION UPDATE

Route to: ☐ ____ ☐ ____ ☐ ____ ☐ ____
☐ ____ ☐ ____ ☐ ____ ☐ ____

Modern Federal Jury Instructions (Criminal Volumes)

Publication 485 Release 84B July 2024

HIGHLIGHTS

Updates to Criminal Coverage

- Release 84B includes revisions to the Criminal volumes (Vols. 1–3). Ch. 36, *False Statements*, is completely reprinted.

Updates to Pattern Criminal Jury Instructions

- Release 84B incorporates amendments to the Pattern Criminal Jury Instructions in the star volumes.

UPDATES TO VOLUMES 1–3 (CRIMINAL)

Ch. 2, The Function of the Court, the Jury and Counsel

Ch. 3A, Scienter

Ch. 5, Evidence

Ch. 8, Defenses

Ch. 9, Concluding General Instructions

Ch. 16, Bribery and Conflicts of Interest

Ch. 17, Civil Rights

Ch. 19, Conspiracy

Ch. 31, Threatening Communications

Ch. 35, Firearms

Ch. 36, False Statements

Ch. 39A, False Identification Documents

Ch. 41, Homicide

Ch. 44, Mail, Wire, Bank, and Health Care Fraud

Ch. 47A, Involuntary Servitude

Ch. 50, The Hobbs Act

Ch. 52, RICO

Ch. 56, Possession and Distribution of Controlled Substances

UPDATES TO CRIMINAL PATTERN JURY INSTRUCTIONS

First Circuit:

New 3.09 (Separate Consideration of Each Defendant);

4.18.371(1) (Conspiracy) (added reference to *United States v. Ramos-Baez*, 2023 case);

4.18.875 (Interstate Communications—Threats);

4.18.922(g) (Unlawful possession of firearm or ammunition);

4.18.924 (Using or Carrying a Firearm During and in Relation to Drug Trafficking or Crime of Violence);

4.18.1014 (Making a False Statement or Report) (adding reference to *United States v. Buoi*, 2023 case;

4.18.1035 (False Statements re Health Care Matters) (replaced comment);

4.18.1341 (Mail Fraud) (comment revised);

4.18.1343 (Wire Fraud) (text revised);

4.18.1346 (Honest Services Fraud) (comment revised);

4.18.1347 (Health Care Fraud) (deleted paragraph in comment related to *United States v. Akoto*, a 2023 case);

4.18.1956(a)(1)(A) (Money Laundering-Promotion of Illegal Activity or Tax Evasion) (added paragraph to comment on *United States v. Cardona*, a 2023 case).

Eighth Circuit:

2.15 (statement of one of multiple defendants) (added discussion of *Samia v. United States*, 2023 U.S. Supreme Court case);

6.18.875A (Interstate Transmission of a Ransom Demand) (refers to possible need to update instruction in light of *Counterman v. Colorado*, 2023 U.S. Supreme Court case);

6.18.875B (Interstate Transmission of an Extortionate Threat) (same as above);

6.18.875C (Interstate Transmission of a Threat) (same as for 6.18.875A and B);

6.18.875D (Interstate Transmission of an Extortionate Threat to Injure Property or Reputation) (same as 875A-875C);

new 6.18.932 (Straw Purchasing of Firearms);

6.18.1028A (Aggravated Identity Theft) (warns that there may be a change due to *Dubin v. United States*, 2023 U.S. Supreme Court case);

revisions to the introductory comments on homicide and to several homicide instructions (6.18.1111 to 6.18.1112B);

6.18.1341 (Mail Fraud) and 6.18.1343 (Wire Fraud) (adding material on *Ciminelli v. United States*, 2023 U.S. Supreme Court case in both);

6.18.1346 (Deprivation of the Intangible Right of Honest Services)

(*Percoco v. United States*, 2023 U.S. Supreme Court case added in Notes on Use);

6.18.1591 (Sex Trafficking . . .) (procedures when the jury is given multiple options; *United States v. Taylor*, 2022 8th Circuit case);

6.18.1791B (Possession of Contraband by a Federal Prisoner) (text, use note, and comment all revised);

6.26.7201 (Tax Evasion) and 6.26.7202 (Failure To Collect, Account Truthfully for, or Pay Over Tax) (thorough overhauls).

Ninth Circuit:

3.1 (Statements by Defendant of Codefendants) (added material about trials of multiple defendants);

6.32 (Venue) (adds material on 2023 U.S. Supreme Court case about wrong venue);

7.4 (encouraging illegal entry) (thorough revision);

new 12.21 (Controlled Substance—Statutory Enhancement Based on Prior Serious Drug Felony or Serious Violent Felony);

14.13 (unlawful receipt of firearms) (mentions *United States v. Walker,* 2023 Ninth Circuit case);

15.9 (aggravated identity theft re identification documents) (defines "during and in relation to");

15.32 (mail fraud by false promises) (adding commentary on *Ciminelli v. United States*, 598 U.S. 306 (2023));

15.34 (honest-services mail fraud) (commentary on *Percoco v. United States,* 598 U.S. 319 (2023));

15.35 (wire fraud) (commentary on *Ciminelli*);

20.18 (Sexual Exploitation of Child) (both instruction and commentary revised);

20.22 (transporting child porn) (adds reference to Instruction 20.18);

20.23 (possessing child porn) (same);

new 20.25A (Sex Trafficking by Force, Fraud, or Coercion);

20.26 (benefiting from participating in sex trafficking venture) (revises instruction to be more explicit that a victim of trafficking by fraud, force, or coercion need not be a child).

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Publication 485 Release 84B July 2024

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VOLUME 1

Revision

☐	Title page.	Title page
☐	2-11	2-11 thru 2-12.1
☐	3A-9	3A-9 thru 3A-10.1
☐	5-31 thru 5-35	5-31 thru 5-36.1
☐	5-67 thru 5-81	5-67 thru 5-81
☐	8-37 thru 8-41	8-37 thru 8-42.1
☐	9-29 thru 9-53	9-29 thru 9-54.7
☐	16-53 thru 16-63	16-53 thru 16-64.1
☐	17-3 thru 17-25	17-3 thru 17-26.1
☐	17-71.	17-71
☐	19-21 thru 19-25	19-21 thru 19-26.1
☐	19-57 thru 19-63	19-57 thru 19-63
☐	19-77 thru 19-85	19-77 thru 19-85

VOLUME 2

Revision

☐	Title page.	Title page
☐	31-1 thru 31-7	31-1 thru 31-8.1
☐	35-75 thru 35-77	35-75 thru 35-77
☐	35-103	35-103 thru 35-104.1
☐	35-112.3 thru 35-112.5.	35-112.3 thru 35-112.5
☐	35-153 thru 35-155	35-153 thru 35-156.1
☐	35-175 thru 35-187	35-175 thru 35-188.1
☐	35-203 thru 35-204.5	35-203 thru 35-204.5
☐	36-1 thru 36-75	36-1 thru 36-81
☐	39A-69	39A-69
☐	39A-93 thru 39A-97.	39A-93 thru 39A-98.1
☐	41-9 thru 41-15	41-9 thru 41-16.1
☐	41-41 thru 41-42.1	41-41 thru 41-42.1
☐	44-3 thru 44-11	44-3 thru 44-12.1
☐	44-24.1	44-24.1
☐	47A-53 thru 47A-55.	47A-53 thru 47A-55

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VOLUME 3

Revision

☐	Title page.	Title page
☐	50-3 thru 50-8.1.	50-3 thru 50-8.1
☐	50-17 thru 50-23	50-17 thru 50-23
☐	52-65.	52-65
☐	52-85 thru 52-87	52-85 thru 52-89
☐	56-15 thru 56-21	56-15 thru 56-22.1
☐	56-55 thru 56-61	56-55 thru 56-61
☐	56-73 thru 56-85	56-73 thru 56-86.1

VOLUME 3A

Revision

☐	Title page.	Title page
☐	TC-1 thru TC-301.	TC-1 thru TC-477
☐	TS-1 thru TS-41	TS-1 thru TS-37
☐	I-1 thru I-87	I-1 thru I-87

VOLUME ★

Revision

☐	Title page.	Title page
☐	1-1 thru 1-6.1.	1-1 thru 1-6.1
☐	1-17	1-17
☐	1-30.1 thru 1-31.	1-31
☐	1-41	1-41
☐	1-53 thru 1-73	1-53 thru 1-74.1
☐	1-103 thru 1-113	1-103 thru 1-113
☐	1-125 thru 1-131	1-125 thru 1-132.1
☐	1-138.1 thru 1-179	1-139 thru 1-180.17
☐	1-189 thru 1-197	1-189 thru 1-198.1
☐	1-212.1.	1-212.1
☐	1-223 thru 1-231	1-223 thru 1-231
☐	1-243 thru 1-249	1-243 thru 1-249
☐	1-273 thru 1-280.1	1-273 thru 1-280.1

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VOLUME ★★

Revision

☐	Title page.	Title page
☐	8-1 thru 8-23	8-1 thru 8-23
☐	8-63	8-63 thru 8-64.1
☐	8-99	8-99
☐	8-145 thru 8-149	8-145 thru 8-149
☐	8-167 thru 8-182.11	8-167 thru 8-182.12(7)
☐	8-201 thru 8-242.1	8-201 thru 8-242.17
☐	8-255 thru 8-303	8-255 thru 8-303
☐	8-313 thru 8-334.3	8-313 thru 8-334.3
☐	8-343 thru 8-350.5	8-343 thru 8-350.5
☐	8-365 thru 8-367	8-365 thru 8-368.1
☐	8-373 thru 8-379	8-373 thru 8-379
☐	8-391 thru 8-415	8-391 thru 8-415
☐	8-429 thru 8-469	8-429 thru 8-470.9
☐	8-481 thru 8-544.5	8-481 thru 8-544.13
☐	8-611 thru 8-637	8-611 thru 8-637
☐	8-649 thru 8-659	8-649 thru 8-659

VOLUME ★★★

Revision

☐	Title page.	Title page
☐	9-1.	9-1 thru 9-2.1
☐	9-25 thru 9-35	9-25 thru 9-35
☐	9-73 thru 9-75	9-73 thru 9-76.1
☐	9-173 thru 9-181	9-173 thru 9-182.1
☐	9-251.	9-251
☐	9-281.	9-281 thru 9-282.1
☐	9-307 thru 9-309	9-307 thru 9-309
☐	9-347 thru 9-349	9-347 thru 9-350.1
☐	9-371 thru 9-381	9-371 thru 9-382.1
☐	9-459 thru 9-461	9-459 thru 9-461
☐	9-481 thru 9-495	9-481 thru 9-496.3

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