

MODEL CRIMINAL JURY INSTRUCTIONS COMMITTEE

Meeting Minutes: Friday, October 25, 2024

Held at Supreme Court Conference Room

Attendees: Justice Samour (Chair), Judge Tow (Vice Chair), Chief Judge Blanco, Judge Datz, Judge Randall, Judge Schock.

Staff: Jeremy Beck (Reporter).

I. Approval of Minutes

The Committee approved the minutes for the meeting of February 2, 2024.

II. 2024 Legislation

The Committee reviewed instructions affected by 2024 legislation, which had previously been reviewed by a subcommittee. The Committee approved the vast majority of these instructions. The Committee debated whether an amendment to section 18-12-105(2)(b.5), C.R.S. 2024, creates a new affirmative defense; it instead decided that the amendment warranted a special instruction, which it tasked the Reporter to draft for review at a subsequent meeting.

III. 2024 Caselaw

The Committee discussed *People v. Johnson*, 2024 CO 32, 549 P.3d 957, and decided to update existing comments on elemental instructions featuring the word “attempt” with a “Cf.” citation to this case. The Committee will review the remaining instructions affected by 2024 caselaw at a subsequent meeting.

The Chair adjourned the meeting at 5:00 p.m.