



CALIFORNIA JURY INSTRUCTION SELECTOR

Originally designed by Judge Richard A. Adler, Los Angeles Superior Court

JANUARY 2012 WEB UPDATE

for Version 5.3

The January 2012 Web Update contains the latest jury instructions from the Judicial Council of California and West's Committees on California Jury Instructions. New in this update:

- 2012 Edition of CACI

Before installing or updating *California Jury Instruction Selector™*, it is highly recommended that you read the Installation Guide packaged with your CD-ROM or available online at west.thomson.com/software/ca-selector.

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WHAT'S NEW?


CURRENTNESS

BAJI and CALJIC	Fall 2011 Editions © 2011 Thomson Reuters. All rights reserved.
CACI	2012 Edition (as approved on December 13, 2011) © 2012 Judicial Council of California. All rights reserved.
CALCRIM	2011 Edition; April 2011 Supplement (as approved on April 29, 2011) © 2011 Judicial Council of California. All rights reserved.

JANUARY 2012 WEB UPDATE

Jury Instructions	CACI instructions have been updated to the 2012 Edition.
Linkable citation signals	Links to Westlaw have been added for most <i>id.</i> , <i>ibid.</i> , and <i>supra</i> signals.

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New	<p><u>File-in-use warning</u>: When you open a jury instruction file that is already open on another computer, a message will appear, letting you know it is in use, and giving you the option of opening it in Read-Only mode.</p> <p><u>Out-of-date warning</u>: When you open a file that contains out-of-date jury instructions, a warning message will now appear. Additionally, the affected instructions will appear in red, and will be labeled with a warning symbol, .</p> <p><u>New links to Westlaw</u>: Citations to Rutter Group publications and Restatements of the Law are now linked to Westlaw.</p> <p><u>CACI 3900 Tables</u>: In 2010, the Judicial Council issued a new Present Value Table and CACI No. 3904B, which includes instructions for using the table. If you find that the worksheets in that instruction are too complex to use within JIS, now you can find PDF versions of them in the References Menu.</p>
CACI Verdict Forms	Previously, Verdict Forms were aligned correctly when saved in Word or Word Perfect formats, but were sometimes incorrect when printed or saved as a PDF. Alignment of these forms was adjusted to improve their appearance in all output types. Similar adjustments were made in non-Verdict Form tables. NOTE: Some lines may appear to be misaligned on-screen, but will be correct when printing (previously released in July 2011 Web Update).
Chapters	In the default chapter settings (Settings > Options > Book Chapters Tab), the range of instruction numbers in each chapter used to include the first instruction

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	<p>number of the following chapter. For example, BAJI Chapter 8 included BAJI numbers 8.00 to 9.00. The ranges were adjusted to eliminate this overlap. Now Chapter 8 includes BAJI 8.00 to 8.99.</p>
Display	<p>Version 5.2 included several changes that allowed JIS to work in DPI settings higher than 96. An unintended bug was introduced that created sporadic window border and size issues while navigating around the program. This has been fixed.</p>
Edit Instruction Window	<p><u>Window size</u>: When maximizing the Edit Window, the text pane did not maximize with the rest of the window. This has been fixed.</p> <p><u>Editing auto-populate fields</u>: When you edit the text inside an auto-populate field (e.g., [name of defendant]), JIS will warn you that editing will remove the auto-populate ability for that piece of text. The warning was not working correctly, and the text would be deleted. This has been fixed.</p>
Print	<p><u>Font settings</u>: JIS includes two sets of font settings: one for Single-Page and L.A. Forms format and another for Booklet format. Some of the Single-Page/L.A. Forms font settings were overriding the corresponding settings for Booklet Format. This has been fixed.</p> <p><u>L.A. Forms</u>: In L.A. Forms format, the instruction number appears at the top of the perforated section and again immediately below the perforation. Some printer drivers printed the lower number either across or above the perforation. The page layout was adjusted to resolve this problem.</p> <p><u>Multiple copies</u>: When adjusting settings in the Print Dialog, users have the option to print multiple copies. Previously, the software would ignore this setting and print only one copy of every print job.</p> <p><u>Pleading format</u>: When printing a pleading in Word, an extra space was inserted in front of the attorney name field at the top of the page. This has been fixed.</p> <p><u>Print to file</u>: When using the Print-to-File tool, the extension does not automatically update when user switches between RTF and PDF more than once. This has been fixed.</p> <p><u>Stability</u>: Fixed an issue that caused the program to crash when printing very large instruction sets (more than about 100 instructions).</p> <p><u>Strange characters</u>: Fixed bug that sometimes caused unnecessary characters to appear when printing (previously released in Version 5.2.1 service pack).</p>
References Menu PDFs	<p>BAJI & CALJIC Appendices; CACI 3900 Tables; CACI & CALCRIM Prefaces; Civil & Criminal Conversion Tables; Civil & Criminal Finding Aids</p>
Research References for BAJI & CALJIC	<p>Expanded and completely updated.</p>
Spell check	<p>JIS uses hidden XML tags to run the auto-populate system. These tags are hidden from the user but they were visible to Spell Check, which would report them as misspellings. This has been corrected, and Spell Check will no longer scan the XML tags.</p>
West's Editorial References for CACI	<p>Completely updated.</p>

NEW, REVISED, AND REVOKED JURY INSTRUCTIONS

This list includes all jury instructions and References Menu PDFs that have been added, revised, or removed in *California Jury Instruction Selector™* Version 5.3 (October 2011) and its subsequent updates.

CACI Civil Jury Instructions

2012 Edition, as approved on December 13, 2011 by the Judicial Council of California
First released in the January 2012 Web Update

NEW INSTRUCTIONS

Negligence

427 Furnishing Alcoholic Beverages to Minors (Civ. Code, § 1714(d))

Song-Beverly Consumer Warranty Act

3205 Failure to Begin Repairs Within Reasonable Time or to Complete Repairs Within 30 Days—
Essential Factual Elements (Civ. Code, § 1793.2(b))

Uniform Fraudulent Transfers Act

VF-4200 Actual Intent to Defraud Creditors—Affirmative Defense—Good Faith

VF-4201 Constructive Fraudulent Transfer

VF-4202 Constructive Fraudulent Transfer—Insolvency

Unlawful Detainer

4328 Affirmative Defense—Tenant Was Victim of Domestic Violence, Sexual Assault, or Stalking (Code
Civ. Proc., § 1161.3)

Construction Law

4550 Affirmative Defense—Statute of Limitations—Patent Construction Defect (Code Civ. Proc., §
337.1)

4551 Affirmative Defense—Statute of Limitations—Latent Construction Defect (Code Civ. Proc., §
337.15)

Concluding Instructions

5020 Demonstrative Evidence

REVISED INSTRUCTIONS

Pretrial

100 Preliminary Admonitions

Contracts

333 Affirmative Defense—Economic Duress

Negligence

400 Negligence—Essential Factual Elements

408 Primary Assumption of Risk—Liability of Coparticipant in Sport or Other Activity

- 417 Special Doctrines: Res ipsa loquitur
- 419 Presumption of Negligence per se (Causation Only at Issue)
- 432 Affirmative Defense—Causation: Third-Party Conduct as Superseding Cause
- 450B Good Samaritan—Scene of Emergency
- 451 Affirmative Defense—Contractual Assumption of Risk
- 453 Injury Incurred in Course of Rescue
- VF-403 Primary Assumption of Risk—Liability of Coparticipant

Medical Negligence

- 500 Medical Negligence—Essential Factual Elements
- 518 Medical Malpractice: Res ipsa loquitur

Premises Liability

- 1000 Premises Liability—Essential Factual Elements
- 1009A Liability to Employees of Independent Contractors for Unsafe Concealed Conditions
- 1009B Liability to Employees of Independent Contractors for Unsafe Conditions—Retained Control
- 1009D Liability to Employees of Independent Contractors for Unsafe Conditions—Defective Equipment

Products Liability

- 1205 Liability to Employees of Independent Contractors for Unsafe Conditions—Defective Equipment
- VF-1201 Strict Products Liability—Design Defect—Consumer Expectation Test—Affirmative Defense—Misuse or Modification
- VF-1203 Strict Products Liability—Failure to Warn

False Imprisonment

- 1400 No Arrest Involved—Essential Factual Elements
- 1403 False Arrest Without Warrant by Private Citizen—Essential Factual Elements
- 1405 False Arrest With Warrant—Essential Factual Elements
- 1407 Unnecessary Delay in Processing/Releasing—Essential Factual Elements

Trespass

- 2021 Private Nuisance—Essential Factual Elements
- VF-2006 Private Nuisance

Wrongful Termination

- 2406 Breach of Employment Contract—Unspecified Term—Damages

Fair Employment and Housing Act

- 2508 Failure to File Timely Administrative Complaint (Gov. Code, § 12960(d))—Plaintiff Alleges Continuing Violation
- 2526 Affirmative Defense—Avoidable Consequences Doctrine (Sexual Harassment by a Supervisor)
- 2541 Disability Discrimination—Reasonable Accommodation—Essential Factual Elements (Gov. Code, § 12940(m))

Workers' Compensation

- 2804 Removal or Noninstallation of Power Press Guards—Essential Factual Elements (Lab. Code, § 4558)
- VF-2803 Removal or Noninstallation of Power Press Guards (Lab. Code, § 4558)

Federal Employers' Liability Act

- 2900 FELA—Essential Factual Elements
- 2942 Damages for Death of Employee

Civil Rights

- 3009 Local Government Liability—Failure to Train—Essential Factual Elements (42 U.S.C. § 1983)
- 3017 Supervisory Liability for Acts of Subordinates (42 U.S.C. § 1983)
- 3020 Unruh Civil Rights Act—Essential Factual Elements (Civ. Code, §§ 51, 52)

VF-3006 Public Entity Liability—Failure to Train (42 U.S.C. § 1983)

Song-Beverly Consumer Warranty Act

3200 Failure to Repurchase or Replace Consumer Good After Reasonable Number of Repair Opportunities—Essential Factual Elements (Civ. Code, § 1793.2(d))
3201 Failure to Promptly Repurchase or Replace New Motor Vehicle After Reasonable Number of Repair Opportunities—Essential Factual Elements
3240 Reimbursement Damages—Consumer Goods (Civ. Code, §§ 1793.2(d)(1), 1794(b))
3241 Restitution From Manufacturer—New Motor Vehicle (Civ. Code, §§ 1793.2(d)(2), 1794(b))
3242 Incidental Damages
3243 Consequential Damages
3244 Civil Penalty—Willful Violation (Civ. Code, § 1794(e))
VF-3200 Failure to Repurchase or Replace Consumer Good After Reasonable Number of Repair Opportunities
VF-3202 Failure to Repurchase or Replace Consumer Good After Reasonable Number of Repair Opportunities—Affirmative Defense—Unauthorized or Unreasonable Use (Civ. Code, § 1793.2(d))

Vicarious Responsibility

3712 Joint Ventures
3903J Damage to Personal Property (Economic Damage)
3905A Physical Pain, Mental Suffering, and Emotional Distress (Noneconomic Damage)

Unlawful Detainer

4302 Termination for Failure to Pay Rent—Essential Factual Elements
4303 Sufficiency and Service of Notice of Termination for Failure to Pay Rent
4304 Termination for Violation of Terms of Lease/Agreement—Essential Factual Elements
4305 Sufficiency and Service of Notice of Termination for Violation of Terms of Agreement
4306 Termination of Month-to-Month Tenancy—Essential Factual Elements
4307 Sufficiency and Service of Notice of Termination of Month-to-Month Tenancy
4308 Termination for Nuisance or Unlawful Use—Essential Factual Elements (Code Civ. Proc., § 1161(4))
4309 Sufficiency and Service of Notice for Nuisance or Unlawful Use
4324 Affirmative Defense—Waiver by Acceptance of Rent

Construction Law

4532 Owner's Damages for Breach of Construction Contract—Liquidated Damages Under Contract for Delay

Concluding Instructions

5007 Removal of Claims or Parties and Remaining Claims and Parties

REVISED SOURCES AND AUTHORITY

Contracts

325 Breach of Covenant of Good Faith and Fair Dealing—Essential Factual Elements

Negligence

426 Negligent Hiring, Supervision, or Retention of Employee
454 Affirmative Defense—Statute of Limitations
455 Affirmative Defense—Delayed Discovery
456 Defendant Estopped From Asserting Statute of Limitations Defense

Professional Negligence

610 Affirmative Defense—Statute of Limitations—Attorney Malpractice—One-Year Limit (Code Civ. Proc., § 340.6)
611 Affirmative Defense—Statute of Limitations—Attorney Malpractice—Four-Year Limit (Code Civ. Proc., § 340.6)

Motor Vehicles and Highway Safety

724 Negligent Entrustment of Motor Vehicle

Dangerous Condition of Public Property

1102 Definition of "Dangerous Condition" (Gov. Code, § 830(a))

Products Liability

1203 Strict Liability—Design Defect—Consumer Expectation Test—Essential Factual Elements
1246 Affirmative Defense—Design Defect—Government Contractor

Fraud or Deceit

1901 Concealment

Wrongful Termination

2430 Wrongful Discharge/Demotion in Violation of Public Policy—Essential Factual Elements

Fair Employment and Housing Act

2500 Disparate Treatment—Essential Factual Elements (Gov. Code, § 12940(a))
2505 Retaliation (Gov. Code, § 12940(h))
2522A Hostile Work Environment Harassment—Conduct Directed at Plaintiff—Essential Factual Elements—Individual Defendant (Gov. Code, § 12940(j))
2540 Disability Discrimination—Disparate Treatment—Essential Factual Elements
2544 Disability Discrimination—Affirmative Defense—Health or Safety Risk

California Family Rights Act

2600 Violation of CFRA Rights—Essential Factual Elements
2620 CFRA Rights Retaliation—Essential Factual Elements

Federal Employers' Liability Act

2903 Causation—Negligence
2904 Comparative Fault

Civil Rights

3001 Excessive Use of Force—Unreasonable Arrest or Other Seizure—Essential Factual Elements
3021 Unruh Civil Rights Act—Boycott, etc.—Essential Factual Elements (Civ. Code, § 51.5)

Elder Abuse and Dependent Adult Civil Protection Act

3101 Financial Abuse—Decedent's Pain and Suffering (Welf. & Inst. Code, § 15657.5)
3103 Neglect—Essential Factual Elements (Welf. & Inst. Code, § 15610.57)
3104 Neglect—Enhanced Remedies Sought (Welf. & Inst. Code, § 15657)
3116 "Fraud" Explained

Damages

3903A Medical Expenses—Past and Future (Economic Damage)
3920 Loss of Consortium (Noneconomic Damage)

Breach of Fiduciary Duty

4120 Affirmative Defense—Statute of Limitations

REVOKED

Premises Liability

1009C Liability to Employee of Independent Contractors for Unsafe Conditions—Nondelegable Duty

BAJI Civil Jury Instructions

Fall 2011 Edition
First released in Version 5.3

NEW INSTRUCTIONS

Statutory Actions

11.48.5 Independent Wholesale Sales Representatives (Civil Code §§ 1738.10-1738.16)

Forms of Special Verdicts and Judgment on Special Verdict

16.26.2 Form of Special Verdict—Interference With Contractual Relations

16.40 Form of Special Verdict—Drug Dealer Liability—Plaintiff Non-User—Direct Sale

16.40.1 Form of Special Verdict—Drug Dealer Liability—Plaintiff Non-User—Indirect Sale

16.40.2 Form of Special Verdict—Drug Dealer Liability—Plaintiff User—Direct Sale

16.43 Form of Special Verdict—Independent Wholesale Sales Representatives

REVISED INSTRUCTIONS

Intentional Torts

7.04 Public Official/Figure—Public Matters—Essential Factual Elements

Annotations to CACI

17.1700 Annotations to CACI: Defamation Per Se—Essential Factual Elements (Public Officer/Figure and Limited Public Figure)

CALJIC Criminal Jury Instructions

Fall 2011 Edition
First released in Version 5.3

NEW INSTRUCTIONS

Crimes Against Security of Person

9.36.6 Assault Upon Child Under 8 Resulting in Comatose or Paralytic Condition (Penal Code § 273ab, subdivision (b))

Crimes Against Public Health, Safety and Welfare

12.40.INTRO Introductory Comment to CALJIC 12.40
12.43.1 Justifiable Violations (Penal Code § 29850)

Crimes Against Property

14.40.1 Petty Theft with Prior Conviction—Not Admitted (Penal Code § 666, subdivision (b))

Annotations to CALCRIM

18.1111 Annotations to CALCRIM: Lewd or Lascivious Act by Force or Fear

REVISED INSTRUCTIONS

Crimes Against the Administration of Government

7.34.01 Bringing or Sending Firearms, Deadly Weapons or Explosives Into Prison/Jail/etc. (Penal Code § 4574, subdivision (a))
7.50 Obstructing/Resisting Executive Officers (Penal Code § 69)

Crimes Against Life

8.71 Doubt Whether First or Second Degree Murder
8.72 Doubt Whether Murder or Manslaughter

Crimes Against Security of Person

9.04 Permitting Shooting from Vehicle [(Penal Code § 12034, subdivision (b))] [(Penal Code § 26100, subdivision (b))]
9.05 Shooting from a Vehicle at a Person [(Penal Code § 12034, subdivision (c))] [(Penal Code § 26100, subdivision (c))]
9.06 Shooting from Vehicle [(Penal Code § 12034, subdivision (d))] [(Penal Code § 26100, subdivision (d))]
9.36.5 Assault on Child Under 8 Resulting in Death (Penal Code § 273ab, subdivision (a))
9.40.3 Store Employee as Victim of Robbery
9.44 Robbery—Theft by Larceny—Burglary—Defense of Claim of Right

Crimes Against Public Health, Safety and Welfare

12.40 Illegal Possession of Certain Weapons or Explosives [(Penal Code § 12020, subdivision (a)(1), (2))] [(Penal Code § __ (code number) __)]
12.41 Carrying a Concealed Dagger or Explosive Substance—Weapon Defined [(Penal Code § 12020, subdivision (a)(3)(4))] [(Penal Code §§ 19100, 21310)]
12.43 Firearm—Possession by Person Convicted of a Felony—No Stipulation of Status [(Penal Code §§ 12021, subdivision (a)(1)] [12021, subdivision (a)(2)] [12021.1, subdivision (a)]] [(Penal Code § [29800, subdivision (a)(1)] [(2)] [§ 29900, subdivision (a)(1)]]
12.44 Firearm—Possession by Person Convicted of a Felony—Status Stipulated [(Penal Code §§ 12021, subdivision (a)(1)] [12021, subdivision (a)(2)] [12021.1, subdivision (a)]] [(Penal Code [§ 29800, subdivision (a)(1)] [(2)] [§ 29900, subdivision (a)(1)]]
12.45 Firearm—Possession by Narcotic Addict (Penal Code § [12021] [29800], subdivision (a)(1))
12.46 Concealable Firearm—Concealed Within Vehicle Controlled by Felon [(Penal Code § [12025,

- subdivision (a)(1)/12025, subdivision (b)(1)) [12025, subdivision (a)(1)/12025, subdivision (b)(5)]] [(Penal Code § [25400, subdivision (a)(1)/25400, subdivision (c)(1)] [25400, subdivision (a)(1)/25400, subdivision (c)(5)]]]
- 12.46.1 Concealable Firearm—Concealed Within Vehicle Controlled by Felon [(Penal Code § 12025, subdivision (a)(1)/12025, subdivision (b)(2)) [12025, subdivision (a)(1)/12025, subdivision (b)(3)] [12025, subdivision (a)(1)/12025, subdivision (b)(4)]] [(Penal Code § [25400, subdivision (a)(1)/25400, subdivision (c)(2)] [25400, subdivision (a)(1)/25400, subdivision (c)(3)] [25400, subdivision a(1)/25400, subdivision (c) (4)]]]
- 12.46.2 Concealable Weapons—Defendant Admits Priors, etc. [(Penal Code § 12025, subdivisions (a)(1), (b)(6)/(a)(2), (b)(6)/(a)(3), (b)(6))] [(Penal code § 25400, subdivisions (a)(1), (c) (5)/(a)(2), (c)(5)/(a) (3)/(c) (5))]
- 12.47 Concealable Firearm—Possession by Person Convicted of Crime Against Person, Property or Drug Violation [(Penal Code § [12025, subdivision (a)(2)/12025, subdivision (b)(1)] [12025, subdivision (a)(2)/12025, subdivision (b)(5)]] [(Penal Code § [25400, subdivision (a)(2)/25400, subdivision (c)(1)] [25400, subdivision (a)(2)/25400, subdivision (c)(5)]]]
- 12.47.1 Concealable Firearm—Carried on the Person [(Penal Code § [12025, subdivision (a)(2)/12025, subdivision (b)(2)] [12025, subdivision (a)(2)/12025, subdivision (b)(3)] [12025, subdivision (a)(2)/12025, subdivision (b)(4)]] [(Penal Code § [25400, subdivision (a)(2)/25400, subdivision (c)(2)] [25400, subdivision (a)(2)/25400, 25400, subdivision (c)(3)] [25400, subdivision (a)(2)/25400, subdivision (c)(4)]]]
- 12.47.2 Concealed Weapon—Unregistered Loaded Firearm [(Penal Code § 12025, subdivisions (a)(1), (b)(6)/(a)(2), (b)(6)/(a)(3), (b)(6))] [(Penal Code § 25400, subdivision (a)(1), (c)(6)/(a)(2),(c)(6)/(a)(3),(c)(6))]
- 12.47.5 Concealable Firearm—Concealed Within Vehicle Occupied by Ex-Felon [(Penal Code § [12025, subdivision (a)(3)/12025, subdivision (b)(1)] [12025, subdivision (a)(3)/12025, subdivision (b)(5)]] [Penal Code § [25400, subdivision (a)(3)/25400, subdivision (c)(1)] [25400, subdivision (a)(3)/25400, subdivision (c)(5)]]]
- 12.47.6 Concealable Firearm—Concealed Within Vehicle Occupied by Prohibited Person [(Penal Code § [12025, subdivision (a)(3)/12025, subdivision (b)(2)] [12025, subdivision (a)(3)/12025, subdivision (b)(3)] [12025, subdivision (a)(3)/12025, subdivision (b)(4)]] [(Penal Code § [25400, subdivision (a)(3)/25400, subdivision (c)(2)] [25400, subdivision (a)(3)/25400, subdivision (c)(3)] [25400, subdivision (a)(3)/25400, subdivision (c)(4)]]]
- 12.48 Firearm [Capable of Being Concealed]—Defined [Penal Code § 12001, subdivisions (a), (b), (c)] [(Penal Code §§ 16520 (a), (b), 16530 (a))]
- 12.49 Illegal Possession of Ammunition [(Penal Code § 12316, subdivision (b) (1))] [Penal Code § 30305, subdivision (a)(1)]
- 12.49.5 Illegal Possession of Ammunition—Defense of Justification [(Penal Code § 12316, subdivision (d) (1))] [(Penal Code § 30305, subdivisions (c) (1), (2), (3), (d))]
- 12.50 Use of Firearm by Convicted Felon—Self Defense
- 12.53 Armed Criminal Action [(Penal Code § 12023, subdivision (a))] [(Penal Code § 25800, subdivision (a))]
- 12.54 Carrying Loaded Firearm [(Penal Code § 12031, subdivisions (a)(1)/(a)(2)(A)-(B)-(D)-(E))] [(Penal Code § 25850, subdivision (c) [(1)] [(2)] [(4)] [(5)]]]
- 12.54.1 Carrying Loaded Firearm—Gang Member [(Penal Code § 12031, subdivisions (a)(1)/(a)(2)(C))] [(Penal Code § 25850, subdivisions (a) (1)/(c) (3))]
- 12.55 Possession of Destructive Device [(Penal Code § 12303)] [(Penal Code § 18710)]
- 12.55.1 Placing or Carrying Explosive/Destructive Device—Common Carrier [(Penal Code § 12303, subdivisions (a), (b), (c))] [(Penal Code § 18725, subdivisions (a), (b),(c))]
- 12.55.2 Possession of Destructive/Dangerous Device at or Near Certain Places [(Penal Code § 12303.2)] [(Penal Code § 18715)]
- 12.55.3 Possession of Destructive Device/Explosive with Intent to Injure [(Penal Code §12303.3)] [(Penal Code §18740)]
- 12.55.4 Sale/Transportation of Destructive Device [(Penal Code § 12303.6)] [Penal Code § 18730]
- 12.55.5 Explosion or Attempt to Explode or Ignite Destructive Device with Intent to Murder [(Penal Code § 12308)] [Penal Code § 18745]
- 12.55.6 Unlawful Explosion/Ignition of Explosive/Destructive Device Causing Bodily Injury [(Penal Code § 12309)] [(Penal Code § 18750)]

- 12.55.7 Explosion/Ignition of Explosive/Destructive Device Causing Death, Mayhem or Great Bodily Injury [(Penal Code § 12310, subdivisions (a), (b))] [(Penal Code § 18755, subdivisions (a), (b))]
- 12.55.8 Possession of Materials with Intent to Make Explosive/Destructive Device [(Penal Code § 12312)] [(Penal Code § 18720)]
- 12.56 Explosive/Destructive Device—Defined [(Penal Code § 12301; Health and Safety Code § 12000)] [(Penal Code §§ 16460, 16510)]
- 12.57 Unlawful Possession of Body Armor [(Penal Code § 12370, subdivision (a))] [(Penal Code § 31360, subdivision (a))]

Crimes Against Property

- 14.21 Grand and Petty Theft—When Distinction Depends on Value (\$950-Point of Demarcation (Penal Code § 487, subdivision (a))
- 14.21.1 Theft of Cargo—Grand and Petty Theft (Penal Code § 487h)
- 14.22 Grand and Petty Theft—When Distinction Depends on Value (\$250, Point of Demarcation) (Penal Code § 487, subdivision (b)(1)(A))
- 14.25 Grand and Petty Theft—Theft by Agent, etc., Over Nine Hundred Fifty Dollars in Twelve-Month Period (Penal Code § 487, subdivision (b)(3))
- 14.40 Petty Theft with Prior Convictions—Not Admitted (Penal Code § 666, subdivision (a))

Misdemeanor Instructions

- 16.293 Possession of a Deadly Weapon with Intent to Assault (Penal Code § [12024] [17500])
- 16.300 Petty Theft (Penal Code §§ 484 et seq.)
- 16.440 Annoying or Molesting a Child (Penal Code § 647.6, subdivision (a)(1))
- 16.460 Concealed Weapons [(Penal Code § 12025, subdivisions (a)(1), (b)(7)/(a)(2), (b)(7)/(a)(3), (b)(7))] [(Penal Code § 25400, subdivisions (a)(1), (c)(7)/(a)(2), (c)(7)/(a)(3), (c)(7))]
- 16.470 Carrying Loaded Firearm [(Penal Code § 12031, subdivisions (a)(1)/(2)(F))] [Penal Code § 25850, subdivisions (a)/(c)(6)]

REVISED COMMENTARY

Sex Crimes

- 10.42 Lewd Act with a Child Under Fourteen Years—Force or Fear (Penal Code § 288, subdivision (b)(1))

Crimes Against Public Health, Safety and Welfare

- 12.22.5 Marijuana—Illegally Gives Away or Transports More Than 28.5 Grams (Health and Safety Code § 11360, subdivision (a))
- 12.70 Felony Hit and Run (Vehicle Code § 20001, subdivisions (a) [(b)(1)] [(b)(2)])

Crimes Against Property

- 14.50 Burglary—Defined (Penal Code § 459)

Annotations to CALCRIM

- 18.1700 Annotations to CALCRIM: Burglary (Pen. Code § 459)
- 18.2361 Annotations to CALCRIM: Transporting or Giving Away Marijuana: More Than 28.5 Grams (Health & Saf. Code, § 11360(a))

CACI Civil Jury Instructions

June 2011 Supplement, as approved on June 24, 2011 by the Judicial Council of California
First released in the July 2011 Web Update

NEW INSTRUCTIONS

Pretrial

- 115 "Class Action" Define
- 116 Why Electronic Communications and Research Are Prohibited

Fair Employment and Housing Act

- 2570 Age Discrimination—Disparate Treatment—Essential Factual Elements

Concluding

- 5019 Questions From Jurors

REVISED INSTRUCTIONS

Pretrial

- 108 Duty to Abide by Translation Provided in Court
- 112 Questions From Juror

Contracts

- 302 Contract Formation—Essential Factual Elements
- 303 Breach of Contract—Essential Factual Elements
- 325 Breach of Covenant of Good Faith and Fair Dealing—Essential Factual Elements
- 333 Affirmative Defense—Economic Duress
- VF-300 Breach of Contract

Negligence

- 406 Apportionment of Responsibility
- 417 Special Doctrines: Res ipsa loquitur
- 418 Presumption of Negligence per se
- 432 Causation: Third-Party Conduct as Superseding Cause

Motor Vehicles and Highway Safety

- VF-704 Negligent Entrustment of Motor Vehicle

Products Liability

- 1201 Strict Liability—Manufacturing Defect—Essential Factual Elements
- 1203 Strict Liability—Design Defect—Consumer Expectation Test—Essential Factual Elements
- 1204 Strict Liability—Design Defect—Risk-Benefit Test—Essential Factual Elements
- 1205 Strict Liability—Failure to Warn—Essential Factual Elements
- 1222 Negligence—Manufacturer or Supplier—Duty to Warn—Essential Factual Elements
- 1245 Affirmative Defense—Product Misuse or Modification
- VF-1200 Strict Products Liability—Manufacturing Defect—Comparative Fault at Issue
- VF-1201 Strict Products Liability—Design Defect—Consumer Expectation Test—Affirmative Defense—Misuse or Modification
- VF-1202 Strict Products Liability—Design Defect—Risk-Benefit Test
- VF-1203 Strict Products Liability—Failure to Warn
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