

**14-7019. Life imprisonment without possibility of release or parole proceeding; aggravating circumstances; murder by an inmate of another inmate, a person lawfully on the premises of a penal institution or an employee of the corrections department; essential elements.<sup>1</sup>**

The state has charged the aggravating circumstance of murder of a person who was at the time [incarcerated in a penal institution] [or] [lawfully on the premises of a penal institution] [or] [an employee of the state corrections department].<sup>2</sup>

Before you may find the aggravating circumstance of murder of [an inmate of a penal institution] [or] [a person lawfully on the premises of a penal institution] [or] [murder of an employee of the state corrections department],<sup>2</sup> you must find that the state has proved to your satisfaction beyond a reasonable doubt each of the following elements:

1. At the time defendant committed the murder of \_\_\_\_\_  
(*name of victim*) the \_\_\_\_\_ (*name of defendant*) was  
incarcerated in \_\_\_\_\_<sup>3</sup> (*name of penal institution*);

2. At the time \_\_\_\_\_ (*name of victim*) was murdered  
\_\_\_\_\_ (*name of victim*), was

[incarcerated in \_\_\_\_\_ (*name of penal institution*);] [or]

[lawfully on the premises of \_\_\_\_\_ (*name of penal institution*);]

[or]

[an employee of the state corrections department];<sup>2</sup>

and

3. The defendant had the intent to kill.

**USE NOTES**

1. This instruction is only to be used in life imprisonment without possibility of release or parole proceedings when the victim was an inmate, a person who was lawfully on the premises of the penal institution or an employee of the state corrections department.

2. Use applicable alternatives.

3. Insert the name of the penal institution. "Penal institution" includes facilities under the jurisdiction of the state corrections department and county and municipal jails.

[Approved, effective August 1, 2001; as amended by Supreme Court Order No. 21-8300-008, effective for all cases filed or pending on or after December 31, 2021.]