

14-4204. Money laundering; making property available to another by financial transaction OR transporting; essential elements.

For you to find the defendant guilty of money laundering [as charged in Count _____] ¹, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant made property, that is _____ (*name the property*)², available to another person, [that is _____]³ by means of [a financial transaction⁴]
[OR]
[transporting the property]⁵;
2. The defendant knew that the _____ (*name the property*) [was] [was represented to be]⁵ the proceeds of _____ (*name the specified unlawful activity*)⁶;
- [3. The _____ (*name the alleged activity*) was committed for financial gain;]⁷
4. The defendant knew that the other person, [that is _____]³ intended to use _____ (*name the property*) to [commit] [or] [further the commission of]⁵ _____ (*name the specified unlawful activity*)⁸;
- [5. The [financial transaction] [or] [transported property]⁵ involved over \$ _____⁹;] and
6. This happened in New Mexico on or about the ____ day of _____, _____.

USE NOTES

1. Insert the count number if more than one count is charged.
2. Unless the parties stipulate that the transaction or transporting involved “property,” give the definition in UJI 14-4205(F) NMRA.
3. Name the person(s), if known.
4. Unless the parties stipulate that the transaction was a “financial transaction,” give the definitions in UJI 14-4205(D) and (E) NMRA.
5. Use applicable alternative or alternatives.
6. Unless the court already has instructed on the specified unlawful activity, the essential elements of the felony should be given immediately following this instruction. See UJI 14-4205(H), Use Note 8.
7. Rarely applicable. Consult UJI 14-4205(H) NMRA (“specified unlawful activity”) to determine if the jury must make an additional factual finding under this bracketed element that the transaction involved proceeds from conduct which constitutes a felony only if committed “for financial gain.”
8. Unless the court already has instructed on the specified unlawful activity, the essential elements of the felony must also be given immediately following this instruction.

9. If the charge is a second degree felony (over \$100,000), use \$100,000 in the blank. If the charge is a third degree felony (over \$50,000), use \$50,000 in the blank. If the charge is a fourth degree felony (over \$10,000), use \$10,000 in the blank. If the charge is a misdemeanor (\$10,000 or less), omit element 5.

[Adopted by Supreme Court Order No. 17-8300-012, effective for all cases pending or filed on or after December 31, 2017.]