

14-4201. Money laundering; financial transaction to conceal or disguise property, OR to avoid reporting requirement; 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 [conducted] [structured] [engaged in] [participated in] ² a financial transaction ³ by _____ (*describe the financial transaction*);

2. The defendant knew that the property ⁴ involved in the financial transaction [was] [was represented to be] ² the proceeds of _____ (*name the specified unlawful activity*) ⁵;

[3. The _____ (*name the alleged activity*) was committed for financial gain;] ⁶

4. The defendant knew that the financial transaction was designed, in whole or in part, to [[conceal] ² [or] [disguise] the nature, location, source, ownership, or control of the property] ²

[OR]

[avoid a transaction reporting requirement under state or federal law];

[5. The financial transaction involved over \$ _____ ⁷;] 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. Use the applicable alternative or alternatives.
 3. Unless the parties stipulate that the transaction was a “financial transaction,” give the definitions in UJI 14-4205(D) & (E) NMRA.
 4. Unless the parties stipulate that the transaction involved “property,” give the definition in UJI 14-4205(F) NMRA.
 5. 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.
 6. 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.”
 7. 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.]