

14-7014. Life imprisonment without possibility of parole proceeding; aggravating circumstances; murder of a peace officer; essential elements.

The state has charged the aggravating circumstance of murder of a peace officer. Before you may find the aggravating circumstance of murder of a peace officer, you must find that the state has proved to your satisfaction beyond a reasonable doubt that at the time _____ (*name of victim*) was murdered, _____ (*name of victim*):

1. was a peace officer;
2. was performing the duties of a peace officer;
3. the defendant knew or should have known that _____ (*name of victim*) was a peace officer; [A peace officer is a public employee whose employment duties include maintaining the public order;]² and
4. the defendant intended to kill or acted with a reckless disregard for human life and knew that [his] [her] acts carried a grave risk of death.

USE NOTES

1. This instruction is to be used only in a life imprisonment without possibility of release or parole proceeding.
2. If there is an issue as to whether or not the victim was a “peace officer” the bracketed definition is given.

[As amended, 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.]