

**14-4203. Money laundering; transporting instruments to conceal or disguise OR to avoid reporting requirement; essential elements.**

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

1. The defendant transported property, that is \_\_\_\_\_ (*name the monetary instrument*)<sup>2</sup>;

2. The defendant knew that the \_\_\_\_\_ (*name the monetary instrument*) [was] [was represented to be]<sup>3</sup> the proceeds of \_\_\_\_\_ (*name the specified unlawful activity*)<sup>4</sup>;

[3. The \_\_\_\_\_ (*name the alleged activity*) was committed for financial gain;]<sup>5</sup>

4. The defendant knew that the transport was designed, in whole or in part, to [[conceal] [or] [disguise]<sup>3</sup> the nature, location, source, ownership or control of the monetary instrument]

[OR]

[avoid a transaction reporting requirement under state or federal law]<sup>3</sup>;

5. The defendant transported the \_\_\_\_\_ (*name the monetary instrument*) with the intent to further \_\_\_\_\_ (*name the specified unlawful activity*)<sup>4</sup>;

[6. The \_\_\_\_\_ (*name the monetary instrument*) involved over \$ \_\_\_\_\_<sup>6</sup>;] and

7. 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. See UJI 14-4205(D) and (G) NMRA.
3. Use applicable alternative or alternatives.
4. 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.

5. This element is 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.”

6. 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 6.

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