

1 **14-141. General criminal intent.**¹

2 In addition to the other elements of _____ (*identify crime or crimes*), the
3 state must prove to your satisfaction beyond a reasonable doubt that the defendant acted
4 intentionally when [~~he~~]the defendant committed the crime. A person acts intentionally when
5 [~~he~~]the person purposely does an act which the law declares to be a crime [, even though [~~he~~]they
6 may not know that [~~his~~]their act is unlawful].² Whether the defendant acted intentionally may be
7 inferred from all of the surrounding circumstances, such as the manner in which [~~he~~]the defendant
8 acts, the means used, [and] [~~his~~]the defendant's conduct [and any statements made by [~~him~~]the
9 defendant].²

10 USE NOTES

11 1. This instruction must be used with every crime except for the relatively few crimes
12 not requiring criminal intent or those crimes in which the intent is specified in the statute or
13 instruction.

14 2. Use bracketed portion only if applicable.

15 [As amended by Supreme Court Order No. S-1-RCR-2025-00126, effective for all cases pending
16 or filed on or after December 31, 2025.]

17 **Committee commentary.** — The adoption of this mandatory instruction for all nonhomicide
18 crimes requiring criminal intent supersedes cases holding that a general intent instruction is not
19 required if the crime includes a specific intent. *See, e.g., State v. Dossier*, 1975-NMCA-031, 88
20 N.M. 32, 536 P.2d 1088; *State v. Gonzales*, 1974-NMCA-080, 86 N.M. 556, 525 P.2d 916. The
21 adoption of the instruction also supersedes dicta in *State v. Gunzelman*, 1973-NMSC-055, 85 N.M.
22 295, 512 P.2d 55, that a general criminal intent instruction is inconsistent with an instruction which
23 contains the element of intent to do a further act or achieve a further consequence, the so-called

- 1 specific intent element. *Compare Gunzelman*, 1973-NMSC-055, with *State v. Mazurek*, 1975-
- 2 NMCA-066, 88 N.M. 56, 537 P.2d 51.
- 3 [Amended by Supreme Court Order No. 18-8300-012[~~, effective for all cases pending or filed on~~
- 4 ~~or after December 31, 2018~~]; as amended by Supreme Court Order No. S-1-RCR-2025-00126.]