

1 **14-2200B. Assault on a peace officer; attempted battery; threat or menacing conduct;**
2 **essential elements.[1]**¹

3 For you to find the defendant guilty of assault on a peace officer [as charged in Count
4 _____]², the state must prove to your satisfaction beyond a reasonable doubt each of the
5 following elements of the crime:

6 1. The defendant intended to commit the crime of battery against _____
7 (*name of peace officer*) by _____³;

8 A battery consists of intentionally touching or applying force in a rude, insolent, or angry
9 manner⁴.

10 2. The defendant began to do an act which constituted a substantial part of the battery
11 but failed to commit the battery;

12 OR

13 1. The defendant _____ (*describe unlawful act, threat, or menacing*
14 *conduct*);

15 2. The defendant's conduct caused _____ (*name of peace officer*) to
16 believe the defendant was about to intrude on _____'s (*name of peace officer*)
17 bodily integrity or personal safety by touching or applying force to _____ (*name*
18 *of peace officer*) in a rude, insolent, or angry manner;

19 3. A reasonable person in the same circumstances as _____ (*name of*
20 *peace officer*) would have had the same belief;

21 AND

22 4. At the time, _____ (*name of peace officer*) was a peace officer
23 and was performing duties of a peace officer⁵;

1 or not the victim was a peace officer, give UJI 14-2216[~~NMRA~~], which defines “peace officer.”
2 If there is an issue [~~as to~~] about whether the officer was within the lawful discharge of the officer’s
3 duties, an instruction may need to be drafted. The mistake of fact referred to in prior UJI 14-2216[
4 ~~NMRA~~] has been incorporated into this instruction as an element. If some other mistake of fact is
5 raised as a defense, *see* UJI 14-5120 NMRA.

6 6. Use only applicable alternative or alternatives.

7 [Adopted by Supreme Court Order No. 16-8300-008, effective for all cases pending or filed on or
8 after December 31, 2016; as amended by Supreme Court Order No. S-1-RCR-2025-00126,
9 effective for all cases pending or filed on or after December 31, 2025.]

10 **Committee commentary.** — *See* NMSA 1978, § 30-22-21(A).

11 [Adopted by Supreme Court Order No. 16-8300-008, effective for all cases pending or filed on or
12 after December 31, 2016.]