

1 **14-401. False imprisonment; essential elements.**

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

5 1. The defendant [restrained]<sup>2</sup> [confined]  
6 \_\_\_\_\_ (*name of victim*) against [~~his~~ ~~her~~ will] the  
7 victim's will;

8 2. The defendant knew that they had no authority to [~~he~~ ~~she~~] restrain <sup>2</sup> [confine]  
9 \_\_\_\_\_ (*name of victim*);

10 3. This happened in New Mexico on or about the \_\_\_\_\_ day of  
11 \_\_\_\_\_, \_\_\_\_\_.

12 USE NOTES

13 1. Insert the count number if more than one count is charged.

14 2. Use applicable alternative or alternatives.

15 [As amended, effective September 1, 1994; as amended by Supreme Court Order No. S-1-RCR-  
16 2025-00126, effective for all cases pending or filed on or after December 31, 2025.]

17 **Committee commentary.** — See Section 30-4-3 NMSA 1978. This instruction sets forth the  
18 **essential elements** of false imprisonment. False imprisonment is distinguished from kidnapping  
19 in that it requires confinement or restraint against the will with knowledge of lack of authority, but  
20 it does not require an intent to hold for ransom, as a hostage or to service. *State v. Clark*, [~~80 N.M.~~  
21 ~~340, 455 P.2d 844 (1969)~~] 1969-NMSC-078, 80 N.M. 340, 455 P.2d 844. If kidnapping by holding  
22 to service is charged, false imprisonment is a necessarily included offense. *State v. Armijo*, [~~90~~  
23 ~~N.M. 614, 566 P.2d 1152 (Ct. App. 1977)~~] 1977-NMCA-070, 90 N.M. 614, 566 P.2d 1152.

1 [As amended by Supreme Court Order No. S-1-RCR-2025-00126.]