

236A.60 LOOTING. MISDEMEANOR. FELONY. (LESSER INCLUDED OFFENSE
OF TRESPASS DURING EMERGENCY).

The defendant has been charged with looting.

For you to find the defendant guilty of looting, the State must prove three things beyond a reasonable doubt:

First, that the defendant, without legal justification, entered upon the premises of another.

Second, that at the time of the defendant's entry the usual security of property was ineffective because of [(*name disaster*)¹] [disaster or calamity].

And Third, that the defendant, while he was upon the premises, [obtained] (exerted control over) [damaged] [ransacked] [destroyed] the property of another.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant without legal justification, entered upon the premises of another while the usual security of property was ineffective due to [(*name disaster*)] [disaster or calamity], and while upon the premises he [obtained] [exerted control over] [damaged] [ransacked] [destroyed] the property of another, it would be your duty to return a verdict of guilty of looting. If you do not so find or have a reasonable doubt as to one or more of these things, you will not return a verdict of guilty of looting,² but you must determine whether the defendant is guilty of trespass during emergency, which differs from looting in that the State need not prove that the defendant [obtained] [exerted control over] [damaged] [ransacked] [destroyed] the property of another.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant, without legal justification, entered

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upon the premises of another while the usual security of property was ineffective due to [*(name disaster)*] [disaster or calamity], it would be your duty to return a verdict of guilty of trespass during emergency. If you do not so find or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

1. The statute enumerates the following disasters and calamities: "riot insurrection, invasion, storm, fire, explosion, flood, collapse, or other disaster or calamity. . ."

2. If there is to be no instruction on lesser included offenses, the last phrase should be: "...it would be your duty to return a verdict of not guilty."