**24.1 Misprision of Felony (18 U.S.C. § 4)**

The defendant is charged in [Count \_\_\_\_\_\_ of] the indictment with misprision of felony in violation of Section 4 of Title 18 of the United States Code. For the defendant to be found guilty of that crime, the government must prove each of the following elements beyond a reasonable doubt:

First, a federal felony was committed, as charged in [Count \_\_\_\_\_\_ of] the indictment;

Second, the defendant had knowledge of the commission of that felony;

Third, the defendant had knowledge that the conduct was a federal felony;

Fourth, the defendant failed to notify a federal authority as soon as possible; and

Fifth, the defendant did an affirmative act, as alleged, to conceal the crime.

A felony is a crime punishable by a term of imprisonment of more than one year.

Mere failure to report a federal felony is not a crime. The defendant must also commit some affirmative act designed to conceal the fact that a federal felony has been committed.

**Comment**

*See United States v. Olson*, 856 F.3d 1216 (9th Cir. 2017).

*Revised Apr. 2019*