

LURING A CHILD
(E felony)¹
PENAL LAW 120.70(1)
(Committed on or after Oct. 4, 2008)

The _____ count is Luring a Child.

Under our law a person is guilty of Luring a Child when he or she lures a child into a motor vehicle, aircraft, watercraft, isolated area, building, or part thereof, for the purpose of² committing against such child (*name of applicable offense[s]*³).

Some of the terms used in this definition have their own special meaning in our law. I will now give you the meaning of the following term(s): child, and [*name of applicable offense(s)*].

CHILD means a person less than seventeen years of age.⁴

(Name of Applicable Offense and its Definition)

In order for you to find the defendant guilty of this crime, the

¹ “Luring a child is a class E felony, provided, however, that if the underlying offense the actor intended to commit against such child constituted a class A or a class B felony, then the offense of luring a child in violation of this section shall be deemed respectively, a class C felony or class D felony” (Penal Law § 120.70[2]).

² Although there is no statutory definition of “for the purpose of,” the Court of Appeals has held that, with respect to Robbery as defined in Penal Law § 160.00, “for the purpose of” is the equivalent of a mens rea element of intent. *See People v. Smith*, 70 N.Y.2d 309 (1992). The term has also been interpreted to mean “motive.” *See People v. Cahill*, 2 N.Y.3d 14, 25-26 (2003).

³ Insert the applicable crime(s) set forth in Penal Law § 120.70(1).

⁴ Penal Law § 120.70.

People are required to prove, from all the evidence in the case, beyond a reasonable doubt, each of the following three elements:

1. That on or about (date), in the county of (county), the defendant (defendant's name) lured (name of complainant) into (specify⁵);
2. That at that time (name of complainant) was a child; and
3. That the defendant did so for the purpose of committing (name of applicable offense(s)) against such child.

Therefore, if you find that the People have proven beyond a reasonable doubt each of these elements, you must find the defendant guilty of the crime of Luring a Child as charged in the _____ count.

On the other hand, if you find that the People have not proven beyond a reasonable doubt any one or more of these elements, you must find the defendant not guilty of the crime of Luring a Child as charged in the _____ count.

⁵ Insert the applicable term from PL §120.70(1) (“motor vehicle, aircraft, watercraft, isolated area, building, or part thereof.”)