

**FALSELY REPORTING AN INCIDENT
IN THE SECOND DEGREE
(False report of fire, explosion, hazardous substance)
Penal Law § 240.55 (1)
(Committed on or after December 1, 1999)**

The (specify) count is Falsely Reporting an Incident in the Second Degree.

Under our law, a person is guilty of Falsely Reporting an Incident in the Second Degree when, knowing the information reported, conveyed or circulated to be false or baseless, he or she initiates or circulates a false report or warning of an alleged occurrence or impending occurrence of

Select appropriate alternative:

a fire,
an explosion,
the release of a hazardous substance

under circumstances in which it is not unlikely that public alarm or inconvenience will result

[The following term has a special meaning in the law:

HAZARDOUS SUBSTANCE shall mean any physical, chemical, microbiological or radiological substance or matter which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health.¹

In order for you to find the defendant guilty of this crime, the People are required to prove, from all of the evidence in the case, beyond a reasonable doubt, each of the following three elements:

¹ Penal Law § 240.00(4)

1. That on or about (date) , in the County of (County) , the defendant, (defendant's name), initiated or circulated a false report or warning of an alleged occurrence or impending occurrence of

Select appropriate alternative:

a fire,
an explosion,
the release of a hazardous substance;

2. That the defendant did so under circumstances in which it was not unlikely that public alarm or inconvenience would result; and
3. That the defendant knew that the information reported, conveyed or circulated was false or baseless.

If you find the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of this crime.

If you find the People have not proven beyond a reasonable doubt any one or more of those elements, you must find the defendant not guilty of this crime.