

**FALSELY REPORTING AN INCIDENT  
IN THE FIRST DEGREE  
(False report of occurrence upon school grounds)  
Penal Law § 240.60(5)  
(Committed on or after December 1, 1999)**

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

Under our law, a person is guilty of Falsely Reporting an Incident in the First Degree when, knowing the information reported, conveyed or circulated to be false or baseless and under circumstances in which it is likely public alarm or inconvenience will result, he or she initiates or circulates a report or warning of an alleged occurrence or an impending occurrence of

Select appropriate alternative(s):

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

upon school grounds and it is likely that persons are present on said grounds.

The following term(s) used in that definition (has / have) a special meaning:

SCHOOL GROUNDS means in or on or within any building, structure, school bus as defined in > section one hundred forty-two of the vehicle and traffic law, athletic playing field, playground or land contained within the real property boundary line of a public or private elementary, parochial, intermediate, junior high, vocational or high school.<sup>1</sup>

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

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<sup>1</sup> Penal Law § 240.00(3).

substantial present or potential hazard to human health.<sup>2]</sup>

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. 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;

upon school grounds;

2. That it was likely that persons were present on the school grounds;
3. That the defendant did so under circumstances in which it was likely that public alarm or inconvenience would result; and
4. 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.

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<sup>2</sup> Penal Law § 240.00(4).

