

**FALSELY REPORTING AN INCIDENT
IN THE FIRST DEGREE
(False report of occurrence in public areas)
Penal Law § 240.60(6)
(Committed on or after November 1, 2001)**

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 impending occurrence of

Select appropriate alternative(s):

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

in or upon a

Select appropriate alternative(s):

sports stadium or arena,
mass transportation facility,
enclosed shopping mall,
any public building or
any public place,

and it is likely that persons are present.

The following term(s) used in that definition (has / have) a special meaning:¹

¹ Penal Law § 240.60(6) specifies that: "For purposes of this subdivision, the terms "sports stadium or arena, mass transportation facility or enclosed shopping mall" shall have their natural meaning."

PUBLIC BUILDING shall mean all buildings including grounds and premises adjacent or appurtenant thereto or connected thereto belonging to the state, county, town, village, school district or any other political or civil subdivision of state or local government.²

[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.³]

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;

in or upon a

Select appropriate alternative(s):

sports stadium or arena,

² Penal Law § 240.60(6) and Executive Law § 401(2).

³ Penal Law § 240.00(4).

mass transportation facility,
enclosed shopping mall,
any public building or
any public place,

2. That it was likely that persons were present;
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.