**CRIMINAL INTERFERENCE WITH RELIGIOUS WORSHIP

IN THE SECOND DEGREE

Penal Law § 240.70 (1) (c)

(Committed on or after Dec. 1, 1999)**

The (*specify*) count is Criminal Interference with Religious Worship in the Second Degree.

Under our law, a person is guilty of Criminal Interference with Religious Worship in the Second Degree when by force or threat of force or by physical obstruction, he or she intentionally injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with, another person because such person was or is seeking to exercise the right of religious freedom at a place of religious worship.

The following terms used in that definition have a special meaning:

INTERFERES WITH means to restrict a person's freedom of movement;1

INTIMIDATES means to place a person in reasonable apprehension of physical injury to himself or herself or to another person; 2

PHYSICAL OBSTRUCTION means rendering impassable ingress to or egress from a facility that provides reproductive health services, or rendering passage to or from such a facility unreasonably difficult or hazardous; 3

INTENT means conscious objective or purpose.4 Thus, a person intentionally injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with, another person

1 Penal Law § 240.70 (3)(b).

2 Penal Law § 240.70(3)(c).

3 Penal Law § 240.70(3)(d).

4 Penal Law § 15.05 (1).

because such other person was or is seeking to exercise the right of religious freedom at a place of relgious worship when it is his or her conscious objective or purpose to do so.

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

That on or about  *(date)*  , in the County of *(county)*, the defendant,  *(defendant's name)*, by force or threat of force or by physical obstruction, intentionally injured, intimidated or interfered with, or attempted to injure, intimidate or interfere with, *(specify)* because (*specify*) was seeking to exercise the right of religious freedom at a place of religious worship.

If you find the People have proven that element beyond a reasonable doubt, you must find the defendant guilty of this crime.

If you find the People have not proven that element beyond a reasonable doubt, you must find the defendant not guilty of this crime.