

AGGRAVATED THREAT OF MASS HARM
Penal Law § 240.79
(Committed on or after June 6, 2022)

The (specify) count is Aggravated Threat Of Mass Harm.

Under our law, a person is guilty of Aggravated Threat Of Mass Harm when, with the intent to intimidate a group of people or to create public alarm, such person threatens to inflict or cause to be inflicted, serious physical injury or death at a:

Select appropriate alternative(s): school, place of worship, business, government building, or other place of assembly,

and thereby

Select appropriate alternative(s)

causes a reasonable expectation or fear of serious physical injury or death at a:

[or] causes the evacuation or lockdown of a:

Select appropriate alternative(s):
school, place of worship, business, government building, or other place of assembly,

and has made any overt act in furtherance of the commission of the crime.

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

An OVERT ACT may include making a plan to carry out such threat, compiling a list of targets, possession of any weapon or device that can be used to carry out such threat, or other preparatory action.

SERIOUS PHYSICAL INJURY means impairment of a person's physical condition which creates a substantial risk of death or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.¹

INTENT means conscious objective or purpose. Thus, a person acts with the intent to intimidate a group of people or to create public alarm when that person's conscious objective or purpose is to do so.²

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, each of the following four elements:

1. That on or about (date), in the County of (County), the defendant, (defendant's name)³ threatened to inflict or cause to be inflicted, serious physical injury or death at a:

Select appropriate place:

school, place of worship, business, government building, or other place of assembly;

2. That the defendant did so with the intent to intimidate a group of people or to create public alarm; and
3. That the defendant thereby

Select appropriate alternative(s)

¹ See Penal Law § 10.00(10).

² See Penal Law § 15.05(1).

³ When the defendant is charged in whole or in part as an accomplice, a Court will add: "personally, or by acting in concert with another person." See Accomplice charge.

caused a reasonable expectation or fear of serious physical injury or death at a:

[or] caused the evacuation or lockdown of a:

Select appropriate alternative(s):

school, place of worship, business, government building, or other place of assembly; and

4. That the defendant made an overt act in furtherance of the commission of the crime.

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.