**PRESUMPTION OF POSSESSION**

**FROM PRESENCE OF WEAPON IN STOLEN VEHICLE**

**Penal Law § 265.15(2)**

Under our law, the presence in any stolen vehicle of a *(specify)*  1 is presumptive evidence of its possession by all persons occupying such vehicle at the time such  *(specify)*  is found. What this means that, if the People have proven beyond a reasonable doubt that the  *(specify)*  was found in a stolen vehicle and that the defendant was occupying the stolen vehicle at the time that the *(specify)*  was found, then you may, but you are not required to, infer from those facts that the defendant possessed the  *(specify)*. Whether or not to draw that inference is for you to decide and will depend entirely on your evaluation of the evidence.2

1 The statute provides that this presumption applies to "any weapon, instrument, appliance, or substance specified in sections 265.01, 265.02, 265.03, 265.04 and 265.05."

2 In 2019, the last sentence was added to conform to the instruction for presumptions in other sections.