

UNLAWFULLY INSTALLING A GAS METER
Penal Law § 270.40
(Committed on or after July 16, 2021)

The (specify) count is Unlawfully Installing a Gas Meter.

Under our law, a person is guilty of Unlawfully Installing a Gas Meter when the actor

Select appropriate alternative(s):

[unlawfully¹] [and knowingly²] installs the gas meter

[or]

is the owner of the premises where the meter is unlawfully installed, and knows that such gas meter was unlawfully installed.

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

A GAS METER means any gas meter that measures usage of any end use customer of gas services.

A gas meter is UNLAWFULLY INSTALLED when it is installed by any person other than a person acting on behalf of a utility corporation subject to the jurisdiction of the public service commission unless such person has received a permit to install the gas meter from the appropriate permitting authority.

A person KNOWINGLY installs a gas meter when he or she is aware of doing so.

¹ The word "unlawfully" is in brackets here because it appears inadvertently omitted given the title of the crime and the definition of "unlawfully installed gas meter." See Practice Commentary to Penal Law 270.40 [the statute "should have read: when he or she 'unlawfully' installs the gas meter. The statute, however, defines what constitutes an 'unlawfully installed' gas meter. Thus, given that definition and the overall context and legislative intent, the courts should read 'unlawfully' into this part of the statute"].

² The mens rea of "knowingly" is inserted pursuant to Penal Law § 15.15(2).

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, the following element:

That on or about (date), in the county of (County), the defendant, (defendant's name),

Select appropriate alternative(s):

unlawfully and knowingly installed the gas meter³

[or]

was the owner of the premises where a gas meter was unlawfully installed and the defendant knew that such meter was unlawfully installed.

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

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

³ See footnotes 1 and 2.