**LURING A CHILD**

**Penal Law 120.70(1)**

**(Committed on or after Oct. 4, 2008)**

The (*specify*) count is Luring a Child.

Under our law a person is guilty of Luring a Child when he or she lures a child into a motor vehicle, aircraft, watercraft, isolated area, building, or part thereof, for the purpose of[[1]](#footnote-1) committing against such child (*name of applicable offense[s]* [[2]](#footnote-2)).

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

CHILD means a person less than seventeen years of age.[[3]](#footnote-3)

(*Name of Applicable Offense and its Definition*)

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 three elements:

1. That on or about (*date*), in the county of (*county*), the defendant (*defendants name*) lured *(name of complainant*) into (*specify*[[4]](#footnote-4));

2. That at that time (*name of complainant*) was a child; and

3. That the defendant did so for the purpose of committing (*name of applicable offense(s)* against such child.

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.

1. Although there is no statutory definition of for the purpose of, the Court of Appeals has held that, with respect to Robbery as defined in Penal Law 160.00, for the purpose of is the equivalent of a mens rea element of intent. *See People v. Smith*, 70 N.Y.2d 309 (1992). The term has also been interpreted to mean motive. *See People v. Cahill*, 2 N.Y.3d 14, 25-26 (2003). [↑](#footnote-ref-1)
2. Insert the applicable crime(s) set forth in Penal Law 120.70(1). [↑](#footnote-ref-2)
3. Penal Law 120.70. [↑](#footnote-ref-3)
4. Insert the applicable term from PL 120.70(1) (motor vehicle, aircraft, watercraft, isolated area, building, or part thereof.) [↑](#footnote-ref-4)