

ASSAULT ON A RETAIL WORKER

Penal Law § 120.19

(Committed on or after October 17, 2024)

The (specify) count is Assault on a Retail Worker.

Under our law, a person is guilty of Assault on a Retail Worker when, with the intent to prevent a retail worker from performing an act within the scope of such worker's employment, such person causes physical injury to such retail worker and the person knew or reasonably should have known that such individual was a retail worker.

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

RETAIL WORKER means any person whose usual place of work is a retail establishment. This includes, but is not limited to:

Select appropriate alternative(s):

an employee of the retail establishment:

an owner of the retail establishment, or

a person who works in the retail establishment under arrangements made between the person and the establishment.¹

A RETAIL ESTABLISHMENT means any physical business or commercial entity engaged in the sale of goods, merchandise, or services directly to consumers.²

PHYSICAL INJURY means impairment of physical condition or substantial pain.³

¹ Penal Law § 120.19(2)(a).

² Penal Law § 120.19(2)(b).

³ Penal Law § 10.00(9); See *People v. Chiddick*, 8 NY3d 445 (2007).

INTENT means conscious objective or purpose. Thus, a person acts with intent to prevent a retail worker from performing an act within the scope of such worker's employment when that person's conscious objective or purpose is to do so.⁴

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, (defendant's name⁵) caused physical injury to (specify).
2. That (specify) was a retail worker and that the defendant knew or reasonably should have known that (specify) was a retail worker; and
3. That the defendant caused (specify) physical injury with the intent to prevent (specify) from performing an act within the scope of (specify)'s employment.

If you find the People have proven all of those elements beyond a reasonable doubt, you must find the defendant guilty of this crime.

If you find the People have not proven any one or more of those elements beyond a reasonable doubt, you must find the defendant not guilty of this crime.

⁴ See Penal Law § 15.05(1).

⁵ When the defendant is charged in whole or in part as an accomplice, insert: "personally, or by acting in concert with another person." See Accomplice charge.