

POSSESSION OF USURIOUS LOAN RECORDS
Penal Law § 190.45
(Committed on or after Sept. 1, 1967)

The (specify) count is Possession of Usurious Loan Records.

Under our law, a person is guilty of Possession of Usurious Loan Records when, with knowledge of the contents thereof, he or she possesses any writing, paper, instrument or article used to record criminally usurious transactions.¹

The terms “possess” and “criminally usurious transactions” used in this definition have their own special meanings in our law. I will now give you the meanings of those terms.

POSSESS means to have physical possession or to otherwise exercise dominion or control over tangible property.²

A CRIMINALLY USURIOUS TRANSACTION means a transaction, knowingly done and not authorized or permitted by law, involving the charging, taking or receiving of any money or other property as interest on a loan or forbearance of any money or other property at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

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 two elements:

1. That on or about (date), in the county of (county),

¹ At this point the statute adds “prohibited by section 190.40.” This charge incorporates that provision in its definition of the term “criminally usurious transactions.”

² Penal Law § 10.00(8). If necessary, an expanded definition of “possession” is available in the section on Instructions of General Applicability under Possession.

the defendant (*defendant's name*), possessed a writing, paper, instrument or article used to record criminally usurious transactions; and

2. That the defendant had knowledge of the contents of that writing, paper, instrument or article.

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

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