

**Obstructing Governmental Administration
in the Second Degree
Penal Law § 195.05(2)
Committed on or after April 20, 2024**

The (specify) count is Obstructing Governmental Administration.

Under our law, a person is guilty of Obstructing Governmental Administration when with the intent to violate a

Select appropriate alternative(s):

closing order,
order to seal,
temporary closing order, or
temporary order to seal

issued by a governmental entity to address a public health or safety concern, such person damages or removes any padlock or other device installed for the purpose of effectuating such order.

The following term used in that definition has a special meaning:

INTENT means conscious objective or purpose. Thus, a person acts with intent to violate a

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when that person's conscious objective or purpose is to do so.¹

¹ See Penal Law § 15.05(1).

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), the defendant, (defendant's name),² damaged [or removed] any padlock or other device installed for the purpose of effectuating a

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closing order,

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temporary order to seal

issued by a governmental entity to address a public health or safety concern; and

2. That the defendant did so with intent to violate the order(s).

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.

² When the defendant is charged in whole or in part as an accomplice, Court will add: "personally, or by acting in concert with another person." See Accomplice charge.