

**CRIMINAL CONTEMPT
SECOND DEGREE
(A Misdemeanor)
(Avoiding Jury Service)
PENAL LAW 215.50(6)
(Committed on or after Sept. 1, 1972)**

The _____ count is Criminal Contempt in the Second Degree.

Under our law, a person is guilty of criminal contempt in the second degree when he or she engages in the following conduct: intentional failure to obey any mandate, process or notice, issued pursuant to the law, or rules adopted pursuant to law, [or refusal to be sworn as provided by law or rules].¹

The (specify²) was issued pursuant to law [or rules adopted pursuant to law].³

[The law requires that (specify) be sworn.]

The term “intentional” used in this definition has a special meaning in our law. I will now give you the definition of that term.

Intent means conscious objective or purpose. Thus, a person engages in an INTENTIONAL failure to obey any mandate, process or notice issued pursuant to the law or rules of jury service, or refusal to be sworn as provided therein, when that

¹ The statutory references to applicable law and rules have been omitted and changes to correct the grammar have been made. The statute reads: “Intentional failure to obey any mandate, process or notice, issued pursuant to articles sixteen, seventeen, eighteen, or eighteen-a of the judiciary law, or to rules adopted pursuant to any such statute or to any special statute establishing commissioners of jurors and prescribing their duties or who refuses to be sworn as provided therein.”

² The applicable law and rules is limited to and set forth in the definition of the crime which is reproduced in footnote one.

³ Cf. *People v. Iannielli*, 36 N.Y.2d 137 (1975).

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

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, both of the following elements:

1. That on or about (date) in the county of (specify), the defendant, (defendant's name), failed to obey any mandate, process or notice, issued pursuant to the law or rules adopted pursuant to law, [or refused to be sworn as provided by law].
2. That such failure [or refusal] was intentional.

Therefore, if you find that the People have proven beyond a reasonable doubt both of those elements, you must find the defendant guilty of the crime of Criminal Contempt in the Second Degree as charged in the _____ count.

On the other hand, if you find that the People have not proven beyond a reasonable doubt either one or both of those elements, you must find the defendant not guilty of Criminal Contempt in the Second Degree, as charged in the _____ count.