

AGGRAVATED HARASSMENT IN THE SECOND DEGREE
Penal Law § 240.30(3-a)
(Committed on or after July 19, 2024)

The (specify) count is Aggravated Harassment in the Second Degree.

Under our law, a person is guilty of Aggravated Harassment in the Second Degree when with the intent to harass, annoy, threaten or alarm another person, such person strikes, shoves, kicks, or otherwise subjects another person to physical contact, [which includes spitting on such other person], and such other person is (specify per Penal Law § 240.30 [3-a]) while such individual is performing an assigned duty.

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

INTENT means conscious objective or purpose. Thus, a person acts with intent to harass, annoy threaten or alarm another person when that person's conscious objective or purpose is to do so.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 three elements:

1. That on or about (date), in the County of (County), the defendant, (defendant's name²),

Select appropriate alternative(s)
struck, shoved, kicked, or otherwise subjected
(specify name) to physical contact;

¹ See Penal Law § 15.05(1).

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.

2. That the defendant did so with the intent to harass, annoy, threaten, or alarm (specify name), and
3. That (specify name) was (specify per Penal Law § 240.30 [3-a]) who was performing an assigned duty.

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.