

**FALSELY REPORTING AN INCIDENT  
IN THE THIRD DEGREE  
(Falsely reporting abuse or neglect of vulnerable  
person to mandated reporter)  
Penal Law § 240.50 (4)(b)  
(Committed on or after Jan. 16, 2013)**

The (*specify*) count is Falsely Reporting an Incident in the Third Degree.

Under our law, a person is guilty of Falsely Reporting an Incident in the Third Degree when, knowing the information reported, conveyed or circulated to be false or baseless, he or she reports, by word or action, an alleged occurrence or condition of abuse or neglect<sup>1</sup> of a vulnerable person<sup>2</sup>, which did not in fact occur or exist, to any person required to report cases of suspected abuse or neglect of a vulnerable person<sup>3</sup>, knowing that the person is required to report such cases, and with the intent that such an alleged occurrence be reported to the vulnerable persons' central register.<sup>4</sup>

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

INTENT means conscious objective or purpose. Thus, a person intends that an alleged occurrence be reported to the vulnerable persons' central register when it is his or her conscious

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<sup>1</sup> If in issue, conduct constituting "abuse or neglect" is set forth in Social Services Law § 488 (1) (a) - (h).

<sup>2</sup> If in issue, the definition of "vulnerable person" is set forth in Social Services Law § 488 (15).

<sup>3</sup> The statute continues as follows: "pursuant to section four hundred ninety-one of [the social services] law." If in issue, the definition of "mandated reporter" is set forth in Social Services Law § 488 (5).

<sup>4</sup> If in issue, the definition of "vulnerable persons' central register" is set forth in Social Services Law § 488 (14).

objective that it be so reported.

In order for you to find the defendant guilty of this crime, the People are required to prove, from all of the evidence in the case, beyond a reasonable doubt, each of the following four elements:

1. That on or about (date), in the county of (County), the defendant, (defendant's name), reported, by word or action, an alleged occurrence or condition of abuse or neglect of a vulnerable person, which did not in fact occur or exist, to (specify), a person required to report cases of suspected abuse or neglect of a vulnerable person;
2. That the defendant knew that (specify) was required to report such cases;
3. That, at that time, the defendant knew that the information reported, conveyed or circulated was false or baseless; and
4. That the defendant intended that the alleged occurrence be reported to the vulnerable persons' central register.

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.