

CRIME OF TERRORISM
PENAL LAW 490.25 ¹
(Committed on or after September 17, 2001)

The _____ count is Crime of Terrorism.

Under our law, a person is guilty of a Crime of Terrorism when, with intent to intimidate or coerce a civilian population, influence the policy of a unit of government by intimidation or coercion, or affect the conduct of a unit of government by murder, assassination, or kidnapping, he or she commits a specified offense.

Some of the terms used in this definition have their own special meaning in our law. I will now give you the meaning of the following terms: “specified offense” and “intent”.

A SPECIFIED OFFENSE includes *(specify)*.² A person is guilty of *(specify)* when *(read the applicable portion of the statutory definition of the crime)*.

INTENT means conscious objective or purpose. Thus, a person acts with intent to intimidate or coerce a civilian population, influence the policy of a unit of government by intimidation or coercion, or affect the conduct of a unit of government by murder, assassination, or kidnapping, when his or her conscious objective or purpose is to do so.³

In order for you to find the defendant guilty of this crime, the

¹ For the classification of the offense, see Penal Law § 490.25(2).

² Here, insert appropriate Class A felony offense (other than an offense defined in Penal Law article 220), violent felony offense, manslaughter in the second degree, criminal tampering in the first degree, or an attempt or conspiracy to commit same. See Penal Law § 490.05(3).

³ See Penal Law §15.05(1). It may be appropriate to omit one or more provisions of the definition of intent that are not relevant to the proof in the case.

People are required to prove, from all of 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*), committed the offense of (*specify*); and
2. That the defendant did so with the intent

to intimidate or coerce a civilian population,

influence the policy of unit of government by
intimidation or coercion,

or affect the conduct of a unit of government by
murder, assassination or kidnapping.

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 Crime of Terrorism 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 the Crime of Terrorism as charged in the _____ count.