

UNLAWFULLY USING SLUGS SECOND DEGREE
(B Misdemeanor)
(Makes Slugs)
PENAL LAW 170.55(2)
(Committed on or after Sept. 1, 1967)

The _____ count is Unlawfully Using Slugs in the Second Degree.

Under our law, a person is guilty of Unlawfully Using Slugs in the Second Degree when he knowingly¹ makes, possesses or disposes of a slug with intent to enable a person to insert or deposit it in a coin machine.

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: "coin machine," "slug," "possess," and "intent."

COIN MACHINE means a coin box, turnstile, vending machine or other mechanical or electronic device or receptacle designed (a) to receive a coin or bill or a token made for the purpose, and (b) in return for the insertion or deposit thereof, automatically to offer, to provide, to assist in providing or to permit the acquisition of some property or some service.²

SLUG means an object or article which, by virtue of its size, shape or any other quality, is capable of being inserted or deposited in a coin machine as an improper substitute for a genuine coin, bill or token.³

POSSESS means to have physical possession or otherwise

¹The word "knowingly" has been added in this definition to modify "possesses" in order to comport with law. Penal Law §§ 15.00(2); 15.05(2).

² Penal Law § 170.50(1).

³ Penal Law § 170.50(2).

to exercise dominion or control over tangible property.⁴

INTENT means conscious objective or purpose. Thus a person acts with intent to enable a person to insert or deposit a slug in a coin machine when that person's conscious objective or purpose is to do so.⁵

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, both of the following two elements:

1. That on or about (date), in the county of (county), the defendant, (defendant's name), knowingly made, possessed or disposed of a slug; and
2. That the defendant did so with intent to enable a person to insert or deposit it in a coin machine;

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 Unlawfully Using Slugs 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 the crime of Unlawfully Using Slugs in the Second Degree as charged in the _____ count.

⁴ Penal Law § 10.00(8). Where constructive possession is alleged, or where the People rely on a statutory presumption of possession, insert the appropriate instruction from the "Additional Charges" section in CJI2d for the Penal Law article 220 charges.

⁵ See Penal Law § 15.05(1). An "expanded" definition of "intent" is available in the General Charges section under Culpable Mental States.