

**ILLEGAL POSSESSION OF A
VEHICLE IDENTIFICATION NUMBER
(E Felony)
PENAL LAW 170.70(1)
(Committed on or after Nov. 1, 2002)**

The _____ count is Illegal Possession of a Vehicle Identification Number.

Under our law, a person is guilty of Illegal Possession of a Vehicle Identification Number when he or she knowingly possesses a vehicle identification number label, sticker or plate which has been removed from the vehicle or vehicle part to which such label, sticker or plate was affixed by the manufacturer in accordance with law.¹

Under our law, with certain exceptions not applicable here, when a manufacturer affixes a label, sticker or plate to a vehicle or vehicle part, the manufacturer does so in accordance with law.

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: "possess," and "knowingly."

POSSESS means to have physical possession or otherwise to exercise dominion or control over tangible property.²

A person KNOWINGLY possesses a vehicle identification number label, sticker or plate when that person is aware that he or

¹ The charge substitutes the words "in accordance with law" for the statutory words "in accordance with 49 U.S.C. section 32101, et seq. and regulations promulgated thereunder or in accordance with the provisions of the vehicle and traffic law." See Vehicle and Traffic Law article 17, sections 421, 422, 423-a, 431. If in issue, the next sentence should be omitted and the appropriate provision of law should be charged.

² See Penal Law § 10.00(8). Where constructive possession is alleged, insert the appropriate instruction from the "Additional Charges" section at the end of Penal Law article 265.

she is in possession of a vehicle identification number label, sticker or plate.³

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 two elements:

1. That on or about (date), in the county of (county), the defendant, (defendant's name), possessed a vehicle identification number label, sticker or plate which had been removed from the vehicle or vehicle part to which such label, sticker or plate was affixed by the manufacturer in accordance with law.
2. That the defendant did so knowingly.

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 Illegal Possession of a Vehicle Identification Number 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 Illegal Possession of a Vehicle Identification Number as charged in the _____ count.

³See Penal Law § 15.05(2). An “expanded” definition of “knowingly” is available in the General Charges section under Culpable Mental States.