

POSSESSION OF USURIOUS LOAN RECORDS
(Class A Misdemeanor)
PENAL LAW 190.45
(Committed on or after Sept. 1, 1967)

The _____ count is Possession of Usurious Loan Records.

Under our law, a person is guilty of Possession of Usurious Loan Records when, with knowledge of the contents thereof, he or she possesses any writing, paper, instrument or article used to record criminally usurious transactions².

The term “criminally usurious transactions” used in this definition has its own special meaning in our law. I will now give you the meaning of that term.

A CRIMINALLY USURIOUS TRANSACTION means a transaction, knowingly done and not authorized or permitted by law, involving the charging, taking or receiving of any money or other property as interest on a loan or forbearance of any money or other property at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

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 two elements:

1. That on or about (*date*), in the county of (*county*), the defendant (*defendant's name*), possessed a writing, paper, instrument or article used to record criminally usurious transactions; and
2. That the defendant had knowledge of the contents of that writing, paper, instrument or article.

² At this point the statute adds “prohibited by section 190.40.” This charge incorporates that provision in its definition of the term “criminally usurious transactions.”

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 Possession of Usurious Loan Records as charged in the _____ count.

On the other hand, if you find that the People have not proven beyond a reasonable doubt any one or more of those elements, you must find the defendant not guilty of the crime of Possession of Usurious Loan Records as charged in the _____ count.