

OBSTRUCTING GOVERNMENTAL ADMINISTRATION
Second Degree
(A Misdemeanor)
PENAL LAW 195.05
(Committed on or after November 1, 1998)

The _____ count is Obstructing Governmental Administration in the Second Degree.

Under our law, a person is guilty of Obstructing Governmental Administration in the Second Degree when that person intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function,

Select appropriate alternative:

by means of intimidation, physical force or interference, [or by means of any independently unlawful act]

or

by means of interfering, whether or not physical force is involved, with radio, telephone, television or other telecommunications systems owned or operated by the state, or a county, city, town, village, fire district or emergency medical service

or

by means of releasing a dangerous animal under circumstances evincing the actor's intent that the animal obstruct governmental administration.

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: "public servant" and "intentionally."

PUBLIC SERVANT means any public officer or employee of the state or of any political subdivision thereof or of any governmental instrumentality within the state, or any person exercising the functions of any such public officer or employee.¹

Intent means conscious objective or purpose.² Thus, a person INTENTIONALLY obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function when that person's conscious objective or purpose is to do so.

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 three elements:

1. That on or about (date), in the county of (county), the defendant, (defendant's name), obstructed, impaired or perverted the administration of law or other governmental function or prevented or attempted to prevent a public servant from performing an official function;

2. That the defendant did so

Select appropriate alternative:

by means of intimidation, physical force or interference, [or by means of any independently unlawful act]; and

or

by means of interfering, whether or not physical force is involved, with radio, telephone, television or other

¹ See Penal Law §10.00(15). The term "public servant" includes a person who has been elected or designated to become a public servant.

² See Penal Law § 15.05(1).

telecommunications systems owned or operated by the state, or a county, city, town, village, fire district or emergency medical service; and

or

by means of releasing a dangerous animal under circumstances evincing the actor's intent that the animal obstruct governmental administration; and

3. That the defendant did so intentionally.

Therefore, if you find that the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of the crime of Obstructing Governmental Administration 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 any one or more of those elements, you must find the defendant not guilty of the crime of Obstructing Governmental Administration in the Second Degree as charged in the ___ count.