

**CRIMINAL CONTEMPT
SECOND DEGREE
(A Misdemeanor)
(Refusing to be Sworn)
PENAL LAW 215.50(4)
(Committed on or after Sept. 1, 1972)**

The _____ count is Criminal Contempt in the Second Degree.

Under our law, a person is guilty of criminal contempt in the second degree when he or she engages in the following conduct: contumacious and unlawful refusal to be sworn as a witness in any court proceeding or, after being sworn, to answer any legal and proper interrogatory.

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, the following element:

That on or about (date) in the county of (specify), the defendant, (defendant's name), engaged in a contumacious and unlawful refusal to be sworn as a witness in any court proceeding or, after being sworn, to answer any legal and proper interrogatory.

Therefore, if you find that the People have proven beyond a reasonable doubt that element, you must find the defendant guilty of the crime of Criminal Contempt in the Second Degree as charged in the _____ count.

On the other hand, if you find that the People have not proved beyond a reasonable doubt that element, you must find the defendant not guilty of Criminal Contempt in the Second Degree, as charged in the _____ count.