

VOLUNTARY POSSESSION
Penal Law § 15.00(2)

Under our law, possession of (*specify*) to be criminal must be voluntary.

Possession of a (*specify*) is voluntary when the possessor was aware of his or her physical possession or control of (*specify*) for a sufficient period to have been able to terminate the possession.

The People are required to prove beyond a reasonable doubt both that the defendant knowingly possessed the (*specify*) and that such possession was voluntary.

Note:

The following should be added to the list of elements of the pertinent offense:

and #. That the possession was voluntary.