

**Geographic Jurisdiction
Territorial Jurisdiction of the State
CPL 20.20(1)
Conduct Within The State**

Members of the jury before you begin your deliberations on whether the People have proven the defendant guilty beyond a reasonable doubt of (*specify the crime(s) for which jurisdiction is in issue*), you must first determine whether the State of New York has jurisdiction to prosecute (that/those) crime(s).¹

Under our law, a person may be convicted in New York State of an offense defined by the laws of this state and committed by that person's own conduct [or by the conduct of another with whom he/she was acting in concert²] when such conduct occurred within this state sufficient to establish:

Select appropriate alternative(s):

One or more of the elements of such offense as I have defined [will define] those elements for you;

An attempt to commit such offense as I have defined [will now define] such an attempt;

A conspiracy [or criminal solicitation] to commit such offense³ as I have defined [will now define] such a conspiracy [or criminal solicitation].⁴

NOTE: *Add one or more as appropriate:*

[An oral or written statement made by a person in one jurisdiction to a person in another jurisdiction by means of telecommunications, mail or any other method of communications is deemed to be made in each such jurisdiction.⁵]

[A person who causes property to be transported from one jurisdiction to another by means

of mail, common carrier or any other method is deemed to have personally transported it in each jurisdiction, and if delivery is made in a second jurisdiction that person is deemed to have personally made the delivery in the second jurisdiction.^{6]}

[A person who causes by any means the use of a computer or computer service in one jurisdiction from another jurisdiction is deemed to have personally used the computer or computer service in each jurisdiction.^{7]}

The People have the burden to prove beyond a reasonable doubt that the State of New York has jurisdiction.⁸

If after considering all the evidence you find that the People have not proved beyond a reasonable doubt that the State of New York has jurisdiction to prosecute (*specify crime[s]*), you must cease your deliberations as to that crime/those crimes [and continue your deliberations on the remaining crime(s) charged]. You will report your finding with respect to jurisdiction on the form I will provide you.

On the other hand, if after considering all the evidence you find that the State of New York does have jurisdiction to prosecute (*specify crime[s]*), then you must proceed to consider whether or not the People have proven the defendant guilty beyond a reasonable doubt of that crime/those crimes.

1. People v. Hillman, 246 NY 467 (1927).

2. The statute provides “conduct of another for which he is legally accountable pursuant to section 20.00 of the penal law.” This charge assumes that the CJ12d charge on accessorial liability defining the term “acting in concert” has already been given to the jury. See CJ12d [NY] Accessorial Liability.

3. This part of the statute also provides that a person may be convicted of an offense under the laws of this state “where conduct occurred within this state sufficient...to establish the complicity of at least one of the persons liable” for conspiracy or solicitation. It also states that this basis of jurisdiction “extends only to conviction of those persons whose conspiratorial or other conduct of complicity occurred within this state.”

4. See CJI 2d [NY] Penal Law Article 110, Attempt To Commit A Crime; CJI 2d [NY] Penal Law Article 105, Conspiracy; CJI 2d [NY] Penal Law Article 100, Criminal Solicitation.

5. CPL 20.60(1).

6. CPL 20.60(2).

7. CPL 20.60(3).

8. *People v. McLaughlin*, 80 NY2d 466(1992).