

**CRIMINAL TAMPERING IN THE FIRST DEGREE**  
**(Damaging or Tampering with Utility Company Property;**  
**Intent to Interrupt Service)**  
**Penal Law § 145.20**  
**(Committed on or after Sept. 1, 1969)**

The (*specify*) count is Criminal Tampering in the First Degree.

Under our law, a person is guilty of Criminal Tampering in the First Degree when, with intent to cause a substantial interruption or impairment of a service rendered to the public, and having no right to do so nor any reasonable ground to believe that he or she has such right, that person damages or tampers with property of a gas [*or electric*] [*or sewer*] [*or steam*] [*or water-works*] [*or telephone*] [*or telegraph*] corporation, [*or common carrier*] [*or public utility operated by a municipality or district*] and thereby causes such substantial interruption or impairment of service.

The following terms used in that definition have a special meaning:

INTENT means a conscious objective or purpose.<sup>1</sup> Thus, a person intends to cause a substantial interruption or impairment of a service rendered to the public when his or her conscious objective or purpose is to cause such substantial interruption or impairment of such service.

A person TAMPERS with property when he or she improperly alters or interferes with such property.<sup>2</sup>

In order for you to find the defendant guilty of this crime, the People are required to prove, from all of the evidence in the case beyond a reasonable doubt, each of the following four elements:

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<sup>1</sup> See Penal Law § 15.05(1).

<sup>2</sup> See Black's Law Dictionary (7th ed, 1999). See *People v. Choo*, 152 Misc. 2d 324 (Crim. Ct. 1991).

1. That on or about (date), in the county of (county), the defendant, (defendant's name), damaged [or tampered with] property of (name of corporation, common carrier or public utility);
2. That the defendant did so with the intent to cause substantial interruption or impairment of a service rendered to the public;
3. That the defendant had no right to do so nor any reasonable ground to believe he/she had such right; and
4. That the defendant caused such substantial interruption or impairment of a service rendered to the public.

If you find the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of this crime.

If you find the People have not proven beyond a reasonable doubt any one or more of those elements, you must find the defendant not guilty of this crime.