

**RECKLESS ENDANGERMENT OF PROPERTY**  
**(Risk of Damage of More than \$250)**  
**Penal Law § 145.25**  
**(Committed on or after Sept. 1, 1967)**

The (*specify*) count is Reckless Endangerment of Property.

Under our law, a person is guilty of Reckless Endangerment of Property when that person recklessly engages in conduct which creates a substantial risk of damage to the property of another in an amount exceeding two hundred fifty dollars (\$250.00).

The following term used in that definition has a special meaning:

A person RECKLESSLY engages in conduct which creates a substantial risk of damage to the property of another in an amount exceeding two hundred fifty dollars:

when that person engages in conduct which creates a substantial and unjustifiable risk that such damage will occur, and

when he or she is aware of and consciously disregards that risk, and

when the risk is of such nature and degree that disregarding it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation.<sup>1</sup>

[NOTE: Add if appropriate:

A person who creates such a risk but is unaware of it solely by reason of his or her voluntary intoxication also acts

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<sup>1</sup>See, Penal Law 15.05(3).

recklessly.<sup>2]</sup>

The amount of damage to property is determined by the cost of repair or the replacement of property, whichever is less.<sup>3</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, both of the following two elements:

1. That on or about (date), in the county of (county), the defendant, (defendant's name), engaged in conduct which created a substantial risk of damage to property of another in an amount in excess of two hundred fifty dollars ; and
2. That the defendant did so recklessly.

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

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

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<sup>2</sup>See Penal Law § 15.05(3).

<sup>3</sup>See *People v Woodard*, 148 AD2d 997 (4th Dept. 1989); *People v Gina*, 137 AD2d 555 (2d Dept. 1988); *People v Simpson*, 132 AD 2d 894 (3d Dept. 1987).