

AUTO STRIPPING IN THE SECOND DEGREE
(Value exceeds \$1000)
Penal Law § 165.10(2)
(Committed on or after Nov. 1, 1996)

The (*specify*) count is (*specify*).

Under our law, a is guilty of Auto Stripping in the Second Degree when that person intentionally removes, destroys, defaces, disguises, or alters any part of two or more vehicles, other than abandoned vehicles, without the permission of the owner, and the value of the parts of vehicles removed, destroyed, defaced, disguised, or altered exceeds an aggregate value of one thousand dollars.¹

Some of the terms used in this definition have their own special meaning in our law. I will now give you the meaning of the following terms:² “intentionally,” “abandoned vehicle,” and “owner.”

Intent means conscious objective or purpose.³ Thus, a person INTENTIONALLY removes, destroys, defaces, disguises, or alters any part of two or more vehicles without the owner's permission when that person's conscious objective or purpose is to remove, destroy, deface, disguise, or alter any part of a vehicle without the owner's permission.

A motor vehicle is deemed to be an ABANDONED VEHICLE if it is left unattended:

[Select appropriate alternative(s):

(a) with no number plates affixed to it, for more than

¹ The placement of the word "intentionally" has been changed to encompass the word "remove." See Penal Law § 15.15(1).

² If the term "vehicle" is in issue, see Penal Law § 10.00(14).

³ See Penal Law § 15.05(1).

six (6) hours on any highway or other public place;

(b) for more than twenty-four (24) hours on any highway or other public place, except a portion of a highway or public place on which parking is legally permitted;

(c) for more than forty-eight (48) hours, after the parking of such vehicle shall have become illegal, if left on a portion of a highway or public place on which parking is legally permitted;

(d) for more than ninety-six (96) hours on property of another if left without permission of the property owner].⁴

An OWNER of a vehicle means a person who has a right to possession of the vehicle which is superior to that of the person who intentionally removes or destroys or defaces any part of such vehicle.⁵

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, each of the following three elements:

1. That on or about (date), in the county of (county), the defendant, (defendant's name), removed, destroyed, defaced, disguised, or altered any part of two or more vehicles, other than abandoned vehicles, without the permission of the owner;

⁴ See Vehicle and Traffic Law § 1224(1). Subdivision (d) has been modified for clarity.

⁵ See Penal Law § 155.00(5), which has been modified for this crime. Also see that section for special definitions of "owner" to cover the situations (1) where the alleged owner obtained the property by theft, (2) where the alleged owner is a joint or common owner of the property, and (3) where the property is in the possession of the alleged owner but some other person has a security interest in the property.

2. That the defendant did so intentionally; and
3. That the value of the parts of vehicles removed, destroyed, defaced, disguised, or altered exceeded an aggregate value of one thousand dollars.

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.