

JOSTLING
**(Crowding While Another Places Hand
in Proximity of Pocket or Handbag)**
Penal Law § 165.25(2)
(Committed on or after Sept. 1, 1967)

The (*specify*) count is Jostling.

Under our law, a person is guilty of Jostling when, in a public place, that person intentionally and unnecessarily jostles or crowds another person at a time when a third person's hand is in the proximity of such person's pocket [or handbag].

A person INTENTIONALLY jostles or crowds another person at a time when a third person's hand is in the proximity of such person's pocket [or handbag] when his or her conscious objective or purpose is to jostle or crowd another person at a time when a third person's hand is in the proximity of such person's pocket [or handbag].¹

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, both of the following two elements:

1. That on or about (date), in the county of (county), in a public place, the defendant, (defendant's name), jostled or crowded (specify) at a time when a third person's hand was in the proximity of (specify)'s pocket [or handbag]; and
2. That the defendant did so intentionally and unnecessarily.

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

¹See Penal Law § 15.05(1).

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.