

**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].<sup>1</sup>

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.

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<sup>1</sup>See 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.