

CRIMINAL CONTEMPT IN THE SECOND DEGREE
(Refusing to be Sworn)
Penal Law § 215.50(4)
(Committed on or after Sept. 1, 1972)

The (*specify*) count is Criminal Contempt in the Second Degree.

Under our law, a person is guilty of criminal contempt in the second degree when he or she engages in the following conduct: contumacious and unlawful refusal to be sworn as a witness in any court proceeding or, after being sworn, to answer any legal and proper interrogatory.

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, the following element:

That on or about (*date*) in the county of (*specify*), the defendant, (*defendant's name*) , engaged in a contumacious and unlawful refusal to be sworn as a witness in any court proceeding or, after being sworn, to answer any legal and proper interrogatory.

If you find the People have proven that element beyond a reasonable doubt, you must find the defendant guilty of this crime.

If you find the People have not proven that element beyond a reasonable doubt, you must find the defendant not guilty of this crime.