

CRIMINAL INJECTION OF A NARCOTIC DRUG
Penal Law § 220.46
(Committed on or after Sept. 1, 1971)

The (*specify*) count is Criminal Injection of a Narcotic Drug.

Under our law, a person is guilty of Criminal Injection of a Narcotic Drug when that person knowingly and unlawfully possesses a narcotic drug and when he or she intentionally injects by means of a hypodermic syringe or hypodermic needle all or any portion of that drug into the body of another person with the latter's consent.

The following terms used in that definition have a special meaning:

The term NARCOTIC DRUG includes *(specify)*.¹

POSSESS means to have physical possession or otherwise to exercise dominion or control over tangible property.²

A person KNOWINGLY possesses *(specify)* when that person is aware that he or she is in possession of *(specify)*.³

A person UNLAWFULLY possesses *(specify)* when that person has no legal right to possess it.⁴ Under our law, with certain exceptions not applicable here, a person has no legal right

¹See Penal Law § 220.00(7).

²See Penal Law § 10.00(8). Where constructive possession is alleged, or where the People rely on a statutory presumption of possession, insert the appropriate instruction as found in the "Additional Charges" section at the end of this article.

³See Penal Law § 15.05(2). An expanded definition of "knowingly" is available in the General Charges section under Culpable Mental States.

⁴See Penal Law § 220.00(2) and Public Health Law § 3396(1).

to possess (specify).

A person INTENTIONALLY injects a narcotic drug by means of a hypodermic syringe or hypodermic needle into the body of another person with the latter's consent when that person's conscious objective or purpose is to do so.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 four elements:

1. That on or about (date), in the county of (county), the defendant, (defendant's name), possessed (specify);
2. That the defendant did so knowingly and unlawfully;
3. That the defendant injected by means of a hypodermic syringe or hypodermic needle all or any portion of that (specify) into the body of another person with that person's consent; and
4. That the defendant did so intentionally.

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.

⁵See Penal Law § 15.05(1).