

**CRIMINAL POSSESSION OF PRECURSORS
OF METHAMPHETAMINE
Penal Law § 220.72
(Committed on or after Oct. 1, 2005)**

The (*specify*) count is Criminal Possession of Precursors of Methamphetamine.

Under our law, a person is guilty of Criminal Possession of Precursors of Methamphetamine when he or she possesses at the same time a precursor and a solvent or chemical reagent, with intent to use, or knowing that another intends to use, each such precursor, solvent or chemical reagent to unlawfully manufacture methamphetamine.

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

POSSESS means to have physical possession or otherwise to exercise dominion or control over tangible property.¹

PRECURSOR means ephedrine, pseudoephedrine, or any salt, isomer or salt of an isomer of such substances.²

CHEMICAL REAGENT means a chemical reagent that can be used in the manufacture, production or preparation of methamphetamine.³

SOLVENT means a solvent that can be used in the manufacture, production or preparation of methamphetamine.⁴

¹ See 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 from the "Additional Charges" section at the end of this article.

² Penal Law § 220.00(16)(a).

³ Penal Law § 220.00(16)(b).

⁴ Penal Law § 220.00(16)(c).

INTENT means conscious objective or purpose. Thus, a person possesses at the same time a precursor and a solvent or chemical reagent, with intent to use each such precursor, solvent or chemical reagent to unlawfully manufacture methamphetamine when his or her conscious objective or purpose is to do so.⁵

A person UNLAWFULLY manufactures methamphetamine when that person has no legal right to manufacture it.⁶ Under our law, with certain exceptions not applicable here, a person has no legal right to manufacture methamphetamine.

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)*, the defendant, *(defendant's name)*, possessed at the same time a precursor, and a solvent or chemical reagent, and
2. That the defendant did so with intent to use, or knowing that another intended to use, each such precursor, solvent or chemical reagent to unlawfully manufacture methamphetamine.

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

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.

⁵ See Penal Law § 15.05(1).

⁶ See Penal Law § 220.00(2) and Public Health Law § 3396(1).