

**UNLAWFUL DISPOSAL OF
METHAMPHETAMINE LABORATORY MATERIAL
Penal Law § 220.76
(Committed on or after Oct. 1, 2005)**

The (*specify*) count is Unlawful Disposal of Methamphetamine Laboratory Material.

Under our law, a person is guilty of Unlawful Disposal of Methamphetamine Laboratory Material when, knowing that such actions are in furtherance of a methamphetamine operation, he or she knowingly disposes of, or possesses with intent to dispose of, hazardous or dangerous material under circumstances that create a substantial risk to human health or safety or a substantial danger to the environment.

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

HAZARDOUS OR DANGEROUS MATERIAL means any substance, or combination of substances, that results from or is used in the manufacture, preparation or production of methamphetamine which, because of its quantity, concentration, or physical or chemical characteristics, poses a substantial risk to human health or safety, or a substantial danger to the environment.¹

A person **KNOWINGLY** disposes of hazardous or dangerous material under circumstances that create a substantial risk to human health or safety or a substantial danger to the environment when that person is aware that he or she is disposing of such material.²

POSSESS means to have physical possession or otherwise

¹ Penal Law § 220.00(16)(e).

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

to exercise dominion or control over tangible property.³

INTENT means conscious objective or purpose. Thus, a person possesses hazardous or dangerous material with intent to dispose of it under circumstances that create a substantial risk to human health or safety or a substantial danger to the environment when his or her conscious objective is to do so.⁴

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*), knowingly disposed of, or possessed with intent to dispose of, hazardous or dangerous material under circumstances that created a substantial risk to human health or safety or a substantial danger to the environment; and
2. That defendant did so knowing that such actions were in furtherance of a methamphetamine operation.

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.

³See 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.

⁴ See Penal Law § 15.05(1).