

**FALSELY REPORTING AN INCIDENT
IN THE THIRD DEGREE
(Falsely reporting abuse or
neglect of vulnerable person to registry)
Penal Law § 240.50(4)(a)
(Committed on or after Jan. 16, 2013)**

The (*specify*) count is Falsely Reporting an Incident in the Third Degree.

Under our law, a person is guilty of Falsely Reporting an Incident in the Third Degree when, knowing the information reported, conveyed or circulated to be false or baseless, he or she reports, by word or action, an alleged occurrence or condition of abuse or neglect¹ of a vulnerable person², which did not in fact occur or exist, to the vulnerable persons' central register³.

In order for you to find the defendant guilty of this crime, the People are required to prove, from all of the evidence in the case, beyond a reasonable doubt, each of the following three elements:

1. That on or about (date) , in the county of (County) , the defendant, (defendant's name) , reported, by word or action, an alleged occurrence or condition of abuse or neglect of a vulnerable person, which did not in fact occur or exist;

¹ If in issue, conduct constituting "abuse or neglect" is set forth in Social Services Law § 488 (1) (a) - (h).

² If in issue, the definition of "vulnerable person" is set forth in Social Services Law § 488 (15).

³ The statute continues as follows: "as defined in article eleven of [the social services] law." If in issue, the definition of "vulnerable persons' central register" is set forth in Social Services Law § 488 (14).

2. That the defendant made such report to the vulnerable persons' central register; and
3. That, at that time, the defendant knew that the information reported, conveyed or circulated was false or baseless.

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.