

**CRIMINAL INTERFERENCE WITH HEALTH CARE SERVICES
OR RELIGIOUS WORSHIP IN THE FIRST DEGREE**

Penal Law § 240.71

Committed on or after Dec. 1, 1999

This offense elevates the crime of criminal interference with health care services or religious worship in the second degree to a felony when the defendant has previously been convicted of that same crime. Thus, the applicable charge for criminal interference with health care services or religious worship in the second degree may be used.

With respect to a previous conviction referred to in the statute, the defendant must be arraigned upon a special information alleging the previous conviction, in accordance with the procedure set forth in CPL 200.60 (3).

If upon such arraignment the defendant admits the previous conviction, the court must not make any reference to it in the definition of the crime or in listing its elements. But if the defendant denies the previous conviction or remains mute, the court must add this element to the definition of the crime and the list of elements (see *People v Cooper*, 78 NY2d 476 [1991]).