

**AGGRAVATED INTERFERENCE WITH HEALTH  
CARE SERVICES IN THE FIRST DEGREE  
Penal Law § 240.73  
(Committed on or after Jan. 26, 2010)**

The (*specify*) count is Aggravated Interference with Health Care Services in the First Degree.

Under our law, a person is guilty of Aggravated Interference with Health Care Services in the First Degree when<sup>1</sup> by force or threat of force or by physical obstruction, he or she intentionally injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with, another person because such other person was or is obtaining or providing reproductive health services, and thereby causes serious physical injury to such other person who was obtaining or providing, or was assisting another person to obtain or provide reproductive health services.

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

INTERFERES WITH means to restrict a person's freedom of movement;<sup>2</sup>

INTIMIDATES means to place a person in reasonable apprehension of physical injury to himself or herself or to another person;<sup>3</sup>

PHYSICAL OBSTRUCTION means rendering impassable ingress to—or egress from a facility that provides reproductive

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<sup>1</sup> At this point, the statute continues “he or she commits the crime of criminal interference with health care services or religious worship in violation of paragraph (a) of subdivision one of section 240.70 of this article...” The definition of Penal Law § 240.70(1)(a) has been inserted in place of the statutory language. Additionally, the inclusion of “religious worship” in the statute appears to be a legislative drafting error.

<sup>2</sup> Penal Law § 240.70(3)(b).

<sup>3</sup> Penal Law § 240.70(3)(c).

health services, or rendering passage to or from such a facility unreasonably difficult or hazardous;<sup>4</sup>

REPRODUCTIVE HEALTH SERVICES means health care services provided in a hospital, clinic, physician's office or other facility and includes medical, surgical, counseling or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy;<sup>5</sup>

SERIOUS PHYSICAL INJURY means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.<sup>6</sup>

INTENT means conscious objective or purpose.<sup>7</sup> Thus, a person intentionally injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with, another person because such other person was obtaining or providing reproductive health services when it is his or her conscious objective or purpose to do so.

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 the following two elements:

1. That on or about (date), in the County of (county), the defendant, (defendant's name), by force or threat of force or by physical obstruction, intentionally injured, intimidated or interfered with, or attempted to injure, intimidate or interfere with (specify) because (specify) was obtaining or providing reproductive health

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<sup>4</sup> Penal Law § 240.70(3)(d).

<sup>5</sup> Penal Law § 240.70(3)(e).

<sup>6</sup> Penal Law § 10.00 (10).

<sup>7</sup> Penal Law § 15.05 (1).

services; and

2. That the defendant thereby caused serious physical injury to (specify), who was obtaining or providing, or was assisting another person to obtain or provide, reproductive health services.

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.