

MAKING A TERRORISTIC THREAT
(D Felony)
PENAL LAW 490.20
(Committed on or after September 17, 2001)

The _____ count is Making a Terroristic Threat.

Under our law, a person is guilty of Making a Terroristic Threat when with intent to intimidate or coerce a civilian population, influence the policy of a unit of government by intimidation or coercion, or affect the conduct of a unit of government by murder, assassination, or kidnapping, he or she threatens to commit or cause to be committed a specified offense and thereby causes a reasonable expectation or fear of the imminent commission of such offense.

It is no defense that the threat was not made to a person who was a subject of the threat.¹

Some of the terms used in this definition have their own special meaning in our law. I will now give you the meaning of the following terms: "specified offense" and "intent".

A SPECIFIED OFFENSE includes *(specify)*.² A person is guilty of *(specify)* when *(read the applicable portion of the statutory definition of the crime)*.

Under our law, if the defendant threatened to commit or cause to be committed the offense of *(specify)*, it is no defense

¹ Penal Law § 490.20(2).

² Here, insert appropriate Class A felony offense (other than an offense defined in Penal Law article 220), violent felony offense, manslaughter in the second degree, criminal tampering in the first degree, or an attempt or conspiracy to commit same. See Penal Law § 490.05(3).

that he/she did not have the intent or capability of committing it.

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INTENT means conscious objective or purpose. Thus, a person acts with intent to intimidate or coerce a civilian population, influence the policy of a unit of government by intimidation or coercion, or affect the conduct of a unit of government by murder, assassination, or kidnapping, when his or her conscious objective or purpose 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 of the evidence in the case, beyond a reasonable doubt, each of the following two elements:

1. That on or about (*date*), in the county of (*county*), the defendant (*defendant's name*), threatened to commit, or to cause to be committed, the offense of (*specify offense*), thereby causing a reasonable expectation or fear of the imminent commission of that offense; and
2. That the defendant did so with the intent to intimidate or coerce a civilian population, influence the policy of a unit of government by intimidation or coercion, or affect the conduct of a unit of government by murder, assassination or kidnapping.

Therefore, if you find that the People have proven beyond a reasonable doubt both of those elements, you must find the defendant guilty of Making a Terroristic Threat as charged in the _____ count.

On the other hand, if you find that the People have not

³ Penal Law § 490.20(2).

⁴ See Penal Law §15.05(1). It may be appropriate to omit one or more provisions of the definition of intent that are not relevant to the proof in the case.

proven beyond a reasonable doubt either one or both of those elements, you must find the defendant not guilty of the crime of Making Terroristic Threat as charged in the _____ count.