

LEAVING SCENE OF AN INCIDENT WITHOUT REPORTING
(B Misdemeanor/A Misdemeanor)¹
(Injury/Repeat Offense)
VEHICLE & TRAFFIC LAW § 600(2)
(Committed on or after July 24, 1986)

The _____ count is Leaving the Scene of an Incident Without Reporting.

Under our law, any person operating a motor vehicle who knows or has cause to know² that personal injury has been caused to another person, due to an incident involving the motor vehicle operated by such person shall, before leaving the place where the said personal injury occurred, stop, exhibit his or her license and insurance identification card for such vehicle, when such card is required by law,³ and give his or her name, residence, including street and street number, insurance carrier and insurance identification information including but not limited to the number and effective dates of said individual's insurance policy and license number, to the injured party, if practical, and also to a police officer, or in the event that no police officer is in the vicinity of the place of said injury, then, he or she shall report said incident as soon as physically able to the nearest police station or judicial officer.⁴

¹ VTL § 600(2) designates as a class B misdemeanor a defendant's first violation of VTL § 600(2)(a), as a class A misdemeanor any subsequent violation, and as a class E felony violations "other than mere failure of an operator to exhibit his license and insurance identification card for such vehicle, where the personal injury involved results in death or serious physical injury."

² The statute reads: "who, knowing or having cause to know. . . ." VTL § 600(2)(a). To correct a grammatical error in the statute, the instruction instead reads "who knows or has cause to know."

³ At this point, the words "by law" substitute for the statutory words: "pursuant to articles six and eight of this chapter."

⁴ After designating the first violation of this provision a Class B
(continued...)

With certain exceptions not applicable here, an insurance identification card is required by law.

The term “motor vehicle” used in this definition has its own special meaning in our law. I will now give you the meaning of that term.

MOTOR VEHICLE means every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power.⁵

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/four] elements:

1. That on or about (date), in the county of (county),

⁴(...continued)

misdemeanor, the law provides that “[a]ny subsequent violation shall constitute a class A misdemeanor. . . .” VTL § 600(2)(b). Thus, an additional element of this crime when charged as a Class A misdemeanor is that the defendant has previously been convicted of this crime. That element must be charged in a special information, and after commencement of trial the defendant must be arraigned on that special information. If, upon such arraignment, the defendant admits the element, the court must not make any reference to it in the definition of the offense or in listing the elements of the offense. But if the defendant denies the element or remains mute, and the defendant is being prosecuted for the A misdemeanor, then the court must first, add as part of the definition of the crime that: “A violation of this law is a class A misdemeanor if the defendant has previously been convicted of “leaving the scene without reporting,” and second, the court must add that to the elements of the crime as set forth in footnote 6. CPL § 200.60. See *People v. Cooper*, 78 N.Y.2d 476 (1991).

⁵ The term “motor vehicle” is defined in Vehicle and Traffic Law § 125. That definition contains exceptions which are not set forth in the text of this charge. The term “public highway” appearing in the definition of “motor vehicle” is itself separately defined in Vehicle and Traffic Law § 134 and the terms within that definition are also separately defined in article one of the Vehicle and Traffic Law. If an exception or definition is in issue, then the charge should be amplified accordingly.

the defendant, (defendant's name), operated a motor vehicle;

2. That at that time and place, the defendant knew or had cause to know that personal injury had been caused to another person, due to an incident involving the motor vehicle operated by the defendant; [and]
3. That the defendant did not, before leaving the place where the said personal injury occurred, stop, exhibit his/her license and insurance identification card for such vehicle, when such card is required by law, and give his/her name, residence, including street and street number, insurance carrier and insurance identification information including but not limited to the number and effective dates of said individual's insurance policy and license number, to the injured party, if practical, and also to a police officer, or in the event that no police officer was in the vicinity of the place of said injury, then, he/she did not report said incident as soon as physically able to the nearest police station or judicial officer.⁶

Therefore, if you find that the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of the crime of Leaving the Scene of an Incident Without Reporting as charged in the _____ count.

On the other hand, if you find that the People have not proven beyond a reasonable doubt any one or more of those elements, you must find the defendant not guilty of the crime of Leaving the Scene of an Incident Without Reporting as charged in _____

⁶ If the defendant is being prosecuted for the A misdemeanor and has admitted a previous conviction, the crime will consist of only the three elements listed above. If the defendant has denied the previous conviction or has remained mute, add as the fourth element:

"and 4. That the defendant has previously been convicted of "leaving the scene without reporting."

the _____ count.