

ASSAULT IN THE SECOND DEGREE
(Employee of New York City Housing Authority)
PENAL LAW 120.05 (11-b)
(Committed on or after September 3, 2014)

The (specify) count is Assault in the Second Degree.

Under our law, a person is guilty of Assault in the Second Degree when with intent to cause physical injury to an employee of the New York city housing authority performing his or her lawful duties while located on housing project grounds, real property, or a building owned, managed, or operated by such authority he or she causes physical injury to such employee.

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

PHYSICAL INJURY means impairment of physical condition or substantial pain.¹

INTENT means conscious objective or purpose. Thus, a person acts with intent to cause physical injury to an employee of the New York city housing authority performing his or her lawful duties while located on housing project grounds, real property, or a building owned, managed, or operated by such authority when that person's conscious objective or purpose is to do so.²

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), (specify name of complainant) was an employee of the New York city housing authority;
2. That on that date, in the county of (County), the defendant caused physical injury to (specify name of complainant); and

¹ Penal Law § 10.00 (9); See *People v Chiddick*, 8 NY3d 445 (2007).

² See Penal Law § 15.05 (1).

3. That the defendant did so with intent to cause physical injury to (specify name of complainant) while he/she was performing his/her lawful duties while located on housing project grounds, real property, or a building owned, managed, or operated by the New York city housing authority.

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.