

CUSTODIAL INTERFERENCE IN THE SECOND DEGREE
(Class A misdemeanor)
(Person Entrusted to Another)
PENAL LAW 135.45(2)
(Committed on or after Sept. 1, 1967)

The _____ count is Custodial Interference in the Second Degree.

Under our law, a person is guilty of custodial interference in the second degree when, knowing that he or she has no legal right to do so, that person takes or entices from lawful custody any incompetent person or other person entrusted by authority of law to the custody of another person or institution.

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) was a person entrusted by authority of law to the custody of (specify);
2. That on that date in the county of (county), the defendant, (defendant's name), took or enticed (specify) from the lawful custody of (specify); and
3. That the defendant did so knowing that he/she had no legal right to do so.

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 Custodial Interference In the Second Degree 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 Custodial Interference In the Second Degree as charged in the _____ count.