

**THEFT OF SERVICES
(A Misdemeanor)
(Avoiding Payment For
Transportation Services Rendered)¹
PENAL LAW 165.15(3)
(Committed on or after Sept. 1, 1967)**

The _____ count is Theft of Services.

Under our law, a person is guilty of Theft of Services when, with intent to obtain railroad [or subway] [or bus] [or air] [or taxi] [or (any other) public transportation] service without payment of the lawful charge for such service or to avoid payment of the lawful charge for such transportation service which has been rendered to him, that person avoids [or attempts to avoid] payment therefor by force [or intimidation] [or stealth] [or deception] [or mechanical tampering] [or by unjustifiable failure or refusal to pay].

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: "intent," [and "attempt to avoid payment]"

INTENT means conscious objective or purpose.² Thus, a person acts with intent to obtain railroad [or subway] [or bus] [or air] [or taxi] [or public transportation] service without payment of the lawful charge for such service or to avoid payment of the lawful charge for such transportation service which has been rendered to him when that person's conscious objective or purpose is to do so.

[A person ATTEMPTS to avoid payment of the lawful charge for a transportation service by force [or intimidation] [or stealth] [or

¹This statute envisions two different methods of committing the crime: one in which the defendant rides or attempts to ride without paying a fare required to be paid in advance, for example by jumping a subway turnstile; and one in which the defendant rides and then avoids or attempts to avoid paying a fare due at the end of the ride, for example by refusing to pay a taxi fare. This charge deals with the latter situation.

²See Penal Law § 15.05(1).