

THEFT OF SERVICES
(A Misdemeanor)
(Tampering with Equipment
of Utility)
PENAL LAW 165.15(8)
(Committed on or after Nov. 1, 1992)

The _____ count is Theft of Services.

Under our law, a person is guilty of Theft of Services when, with intent to obtain, without the consent of the supplier thereof, gas [or electricity] [or water] [or steam] [or telephone] service, that person tampers with any equipment designed to supply [or to prevent the supply of] such service to the community in general [or to particular premises].

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," "obtain," and "tamper."

INTENT means conscious objective or purpose.¹ Thus, a person acts with intent to obtain gas [or electricity] [or water] [or steam] [or telephone] service without the supplier's consent when that person's conscious objective or purpose is to obtain such service without the supplier's consent.

OBTAIN includes, but is not limited to, the bringing about of a transfer, or purported transfer, of a service or of a legal interest therein, whether to the obtainer or another.²

A person TAMPERS with equipment when he or she improperly alters or interferes with such equipment.³

¹See Penal Law § 15.05(1).

²See Penal Law § 155.00(2).

³See Black's Law Dictionary (6th Ed. 1990).

In order for you to find the defendant guilty of this crime, the People are required to prove, from all the evidence in the case, beyond a reasonable doubt, both of the following two elements:

1. That on or about (date), in the county of (county), the defendant, (defendant's name), tampered with equipment designed to supply [or prevent the supply of] gas [or electricity] [or water] [or steam] [or telephone] service to the community in general [or to particular premises], without the consent of the supplier; and
2. That the defendant did so with the intent to obtain such service without the consent of the supplier.

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

On the other hand, if you find that the People have not proven beyond a reasonable doubt either one or both of those elements, you must find the defendant not guilty of the crime of Theft of Services as charged in the _____ count.