

THEFT OF SERVICES
(Theft from Barbershops, Salons and Beauty Shops)
Penal Law § 165.15(12)¹
(Committed on or after December 24, 2018)

The (*specify*) count is Theft of Services.

Under our law, a person is guilty of Theft of Services when that person, with intent to avoid payment for services rendered by a barbershop [*or salon*] [*or beauty shop*] avoids [*or attempts to avoid*] such payment by unjustifiable failure or refusal to pay, [*or by stealth*] [*or by any misrepresentation of fact which he or she knows to be false*].

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

INTENT means conscious objective or purpose.² Thus, a person acts with intent to avoid payment for services rendered by unjustifiable failure or refusal to pay [*or by stealth*] [*or by any misrepresentation of fact which he or she knows to be false*] when that person's conscious objective or purpose is to avoid payment for services by such means.

Add if appropriate:

A person ATTEMPTS to avoid payment of services by unjustifiable failure or refusal to pay [*or by stealth*] [*or by any misrepresentation of fact which he or she knows to be false*] when he or she intends to do so and engages in conduct which tends to effect that objective.³

Add if appropriate:

A person KNOWS a misrepresentation of fact is false when he or she is aware that it is false.⁴

¹This offense is a violation unless the person has previously been convicted of theft of services under this subdivision, in which case it is a misdemeanor. Penal Law § 165.15.

²See Penal Law § 15.05(1).

³See Penal Law § 110.00.

⁴See Penal Law § 15.05(2).

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*) , avoided [*or attempted to avoid*] payment for services rendered by a barbershop [*or salon*] [*or beauty shop*] by unjustifiable failure or refusal to pay, [*or by stealth*] [*or by any misrepresentation of fact which he/she knew to be false*].

2. That the defendant intended to avoid payment by those means.

If you find the People have proven beyond a reasonable doubt both of those elements, you must find the defendant guilty of this crime.

If you find the People have not proven beyond a reasonable doubt either one or both of those elements, you must find the defendant not guilty of this crime.