

**UNLAWFULLY USING SLUGS SECOND DEGREE**  
**(Uses Slugs)**  
**Penal Law § 170.55(1)**  
**(Committed on or after Sept. 1, 1967)**

The (*specify*) count is Unlawfully Using Slugs in the Second Degree.

Under our law, a person is guilty of Unlawfully Using Slugs in the Second Degree when with intent to defraud the owner of a coin machine, he or she inserts or deposits a slug in such machine.

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

**COIN MACHINE** means a coin box, turnstile, vending machine or other mechanical or electronic device or receptacle designed (a) to receive a coin or bill or a token made for the purpose, and (b) in return for the insertion or deposit thereof, automatically to offer, to provide, to assist in providing or to permit the acquisition of some property or some service.<sup>1</sup>

**SLUG** means an object or article which, by virtue of its size, shape or any other quality, is capable of being inserted or deposited in a coin machine as an improper substitute for a genuine coin, bill or token.<sup>2</sup>

**INTENT** means conscious objective or purpose. Thus a person acts with intent to defraud the owner of a coin machine when that person's conscious objective or purpose is to do so.<sup>3</sup>

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<sup>1</sup> Penal Law § 170.50(1).

<sup>2</sup> Penal Law § 170.50(2).

<sup>3</sup>See Penal Law § 15.05(1). An “expanded” definition of “intent” is available in the section on Instructions of General Applicability under Culpable Mental States.

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, both of the following elements:

1. That on or about (date), in the county of (county), the defendant, (defendant's name), inserted or deposited a slug in a coin machine;
2. That the defendant did so with intent to defraud the owner of such coin machine;

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.