

CRIMINAL USURY SECOND DEGREE
Penal Law § 190.40
(Committed on or after Sept. 1, 1976)

The (specify) count is Criminal Usury in the Second Degree.

Under our law, a person is guilty of Criminal Usury in the Second Degree when, not being authorized or permitted by law to do so, he or she knowingly charges, takes or receives any money or other property as interest on the loan or forbearance of any money or other property at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

The following term used in that definition has a special meaning:

A person KNOWINGLY charges, takes or receives any money or other property as interest on the loan or forbearance of any money or other property at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period when that person is aware that he or she is doing so.¹

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, each of the following four elements:

1. That on or about (date), in the county of (county), the defendant (defendant's name), charged, took or received any money or other property as interest on the loan or forbearance of any money or other property;

2. That the rate of interest on the loan or forbearance of any money or other property exceeded twenty-five per centum per annum or the equivalent rate for a longer or shorter period;

3. That the defendant did so knowingly; and

4. That the defendant was not authorized or permitted by

¹ See Penal Law § 15.05 (2).

law to do so.

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

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