

OBSTRUCTING FIREFIGHTING OPERATIONS
(A Misdemeanor)
(Obstructing Firefighter)
PENAL LAW 195.15(1)
(Committed on or after Sept. 1, 1981)

The _____ count is Obstructing Firefighting Operations.

Under our law, a person is guilty of Obstructing Firefighting Operations when that person intentionally and unreasonably obstructs the efforts of any firefighter¹ in extinguishing a fire, or prevents or dissuades another from extinguishing or helping to extinguish a fire.

The term “intentionally” used in this definition has its own special meaning in our law. I will now give you the meaning of that term:

Intent means conscious objective or purpose. Thus a person INTENTIONALLY obstructs the efforts of any firefighter, when that person's conscious objective or purpose is to do so.²

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 two elements:

1. That on or about (date), in the county of (county), the defendant, (defendant's name), obstructed the efforts of a firefighter in extinguishing a fire, or prevented or dissuaded another from extinguishing or helping to extinguish a fire; and
2. That the defendant did so intentionally and

¹ Penal Law §195.15(1) states “fireman.” To ensure gender neutrality, “firefighter” has been inserted here throughout.

² See Penal Law § 15.05(1). An “expanded” definition of “intent” is available in the General Charges section under Culpable Mental States.

unreasonably.

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 Obstructing Firefighting Operations 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 Obstructing Firefighting Operations as charged in the _____ count.