

OBSTRUCTING FIREFIGHTING OPERATIONS
(A Misdemeanor)
(Obstructing Firefighter, Police Officer or Peace Officer)
PENAL LAW 195.15(2)
(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 firefighter,¹ police officer or peace officer in performing his or her duties in circumstances involving an imminent danger created by an explosion, threat of explosion or the presence of toxic fumes or gases.

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.²

Intent means conscious objective or purpose. Thus a person INTENTIONALLY obstructs the efforts of any firefighter [police/peace officer], when that person's conscious objective or purpose is to do so.³

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

¹ PL §195.15(1) states “fireman” and “his duties.” To ensure gender neutrality, “firefighter” and “his or her duties” have been inserted here throughout.

² If in issue, the definition of “peace officer” is in CPL 2.10 and the definition of “police officer” is in CPL 1.20(34).

³ See Penal Law § 15.05(1). An “expanded” definition of “intent” is available in the General Charges section under Culpable Mental States.

efforts of a firefighter, [police officer / peace officer] in performing his or her duties in circumstances involving an imminent danger created by an explosion, threat of explosion or the presence of toxic fumes or gases; and

2. That the defendant did so intentionally and 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.