

ABSCONDING FROM A FURLOUGH PROGRAM

Penal Law § 205.18

(Committed on or after June 8, 1972)

The (specify) count is Absconding From a Furlough Program.

Under our law, a person is guilty of Absconding From a Furlough Program when, having been released from confinement in an institution under the jurisdiction of the commissioner of correction¹ to participate in a furlough program, he or she intentionally fails to return to the institution of his or her confinement at or before the time prescribed for his or her return.

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

A FURLOUGH PROGRAM is a program under which eligible inmates may be granted the privilege of leaving the premises of an institution for a period not exceeding seven days for the purpose of seeking employment, maintaining family ties, solving family problems, seeking post-release housing, attending a short-term educational or vocational training course, or for any matter necessary to the furtherance of any such purposes.²

¹ At this point, the charge omits the statutory language: “in a city having a population of one million or more or of a county which elects to have this article apply thereto.”

² See Correction Law § 851 (4)

Intent means conscious objective or purpose.³ Thus, a person INTENTIONALLY fails to return to the institution of his or her confinement at or before the time prescribed for his or her return when that person's conscious objective or purpose is to do so.

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*), was released from confinement in an institution under the jurisdiction of the commissioner of correction to participate in a furlough program; and
2. That the defendant intentionally failed to return to the institution of his or her confinement at or before the time prescribed for his/her return.

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.

³ See Penal Law § 15.05 (1)