

ABSCONDING FROM A COMMUNITY TREATMENT FACILITY
Penal Law § 205.19
(Committed on or after March 31, 2011)

A person is guilty of Absconding from a Community Treatment Facility when having been released from confinement from a correctional institution under the jurisdiction of the state department of corrections and community supervision by transfer to a community treatment facility, he or she leaves such facility without authorization or he or she intentionally fails to return to the community treatment facility at or before the time prescribed for his or her return.

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

A COMMUNITY SERVICES 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 fourteen hours in any day for the purpose of participation in religious services, volunteer work, or athletic events, or for any matter necessary to the furtherance of any such purposes.¹

Intent means conscious objective or purpose.² Thus, a person INTENTIONALLY fails to return to the community treatment facility 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

¹ See Correction Law § 851 (5)

² See Penal Law § 15.05 (1)

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 from a correctional institution under the jurisdiction of the state department of corrections and community supervision by transfer to a community treatment facility;

2. Select appropriate alternative:

That the defendant left the community treatment facility without authorization [or]

That the defendant intentionally failed to return to the community treatment facility at or before the time prescribed for his or 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.