

**PROMOTING PRISON CONTRABAND
IN THE SECOND DEGREE
(Person Introduces Contraband)
Penal Law § 205.20 (1)
(Committed on or after Sept. 1, 1967)**

The (specify) count is Promoting Prison Contraband in the Second Degree.

Under our law, a person is guilty of Promoting Prison Contraband in the Second Degree when he or she knowingly and unlawfully introduces any contraband into a detention facility.

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

DETENTION FACILITY means any place used for confinement, pursuant to an order of a court, of a person

Select appropriate alternative(s):

- (a) charged with or convicted of offense, or
- (b) charged with being or adjudicated a youthful offender, person in need of supervision or juvenile delinquent, or
- (c) held for extradition or as a material witness, or
- (d) otherwise confined pursuant to an order of a court.¹

CONTRABAND means any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, rule, regulation or order.²

A person KNOWINGLY introduces contraband into a detention facility when that person is aware that he or she is doing so.³

¹Penal Law §205.00(1).

²Penal Law §205.00(3).

³See Penal Law §15.05(2).

A person UNLAWFULLY introduces contraband into a detention facility when that person has no legal right to do so.

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) introduced contraband into a detention facility; and
2. That the defendant did so knowingly and unlawfully.

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.