

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

The _____ 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.

Some of the terms used in the definition have their own special meaning in our law. I will now give you the meaning of the following terms: “detention facility,” “contraband,” “knowingly,” and “unlawfully.”

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

¹Penal Law §205.00(1).

²Penal Law §205.00(3).

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

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

In order for your 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.

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 Promoting Prison Contraband in the Second Degree 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 Promoting Prison Contraband in the Second Degree as charged in the _____ count.

³See, Penal Law §15.05(2).