

HINDERING PROSECUTION IN THE SECOND DEGREE
(Assists Class B or C felony)
Penal Law § 205.60
(Committed on or after Sept. 1, 1967)

The (specify) count is Hindering Prosecution in the Second Degree.

Under our law, a person is guilty of Hindering Prosecution in the Second Degree when he or she renders criminal assistance to a person who has committed a class B [or class C] felony.

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

A person **RENDERS CRIMINAL ASSISTANCE** when,

Select appropriate alternative(s):

with intent to prevent, hinder or delay the discovery or apprehension of, or the lodging of a criminal charge against, a person who he or she knows or believes has committed a crime or is being sought by law enforcement officials for the commission of a crime[, or]

with intent to assist a person in profiting or benefiting from the commission of a crime, he or she:

Select appropriate alternative(s):

Harbors or conceals such person; or

Warns such person of impending discovery or apprehension; or

Provides such person with money, transportation, weapon, disguise or other means of avoiding discovery or apprehension; or

Prevents or obstructs, by means of force, intimidation or deception, anyone from performing an act which might aid in the discovery or apprehension of such person or in the lodging of a criminal charge against him; or

Suppresses, by any act of concealment, alteration or destruction, any physical evidence which might aid in the discovery or apprehension of such person or in the lodging of a criminal charge against him; or

Aids such person to protect or expeditiously profit from an advantage derived from such crime.¹

The term INTENT used in this definition means conscious objective or purpose.

Select appropriate alternative(s):

Thus, a person intends to prevent, hinder or delay the discovery or apprehension of, or the lodging of a criminal charge against, a person who he knows or believes has committed a crime or is being sought by law enforcement officials for the commission of a crime when that person's conscious objective or purpose is to do so.

A person intends to assist a person in profiting or benefiting from the commission of a crime, when that person's conscious objection or purpose is to do so.

A CLASS B [OR CLASS C] FELONY is a crime. (*Specify*)
is a class B [or class C] felony. Under our law, a person is guilty

¹Penal Law § 205.50.

of (name and define the felony).

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, each of the following three elements:

1. That on or before (date), (specify) committed (name of felony), a class B [or class C] felony;
2. On or about (date), in the county of (county), the defendant, (defendant's name), rendered criminal assistance to (specify); and
3. That the defendant did so

Select appropriate alternative(s):

with intent to prevent, hinder or delay the discovery or apprehension of, or the lodging of a criminal charge against, (specify) who he/she knew or believed had committed a crime or was being sought by law enforcement officials for the commission of a crime [, or]

with intent to assist (specify) in profiting or benefiting from the commission of a crime.

If you find the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of this crime.

If you find the People have not proven beyond a reasonable doubt any one or more of those elements, you must find the defendant not guilty of this crime.