**CRIMINAL INJECTION OF A NARCOTIC DRUG**

**Penal Law § 220.46**

**(Committed on or after Sept. 1, 1971)**

The (*specify*) count is Criminal Injection of a Narcotic Drug.

Under our law, a person is guilty of Criminal Injection of a Narcotic Drug when that person knowingly and unlawfully possesses a narcotic drug and when he or she intentionally injects by means of a hypodermic syringe or hypodermic needle all or any portion of that drug into the body of another person with the latter's consent.

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

The term NARCOTIC DRUG includes  *(specify)*  .1

POSSESS means to have physical possession or otherwise to exercise dominion or control over tangible property.2

A person KNOWINGLY possesses  *(specify)*  when that person is aware that he or she is in possession of  *(specify)*  .3

A person UNLAWFULLY possesses  *(specify)*  when that person has no legal right to possess it.4 Under our law, with certain exceptions not applicable here, a person has no legal right

1*See* Penal Law § 220.00(7).

2*See* Penal Law § 10.00(8). Where constructive possession is alleged, or where the People rely on a statutory presumption of possession, insert the appropriate instruction as found in the “Additional Charges” section at the end of this article.

3*See* Penal Law § 15.05(2). An expanded definition of “knowingly” is available in the General Charges section under Culpable Mental States.

4*See* Penal Law § 220.00(2) and Public Health Law § 3396(1).

to possess  *(specify)*  .

A person INTENTIONALLY injects a narcotic drug by means of a hypodermic syringe or hypodermic needle into the body of another person with the latter's consent when that person's conscious objective or purpose is to do so.5

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, each of the following four elements:

1. That on or about  *(date)*  , in the county of  *(county)*, the defendant,  *(defendant's name)*  , possessed *(specify)*;
2. That the defendant did so knowingly and unlawfully;
3. That the defendant injected by means of a hypodermic syringe or hypodermic needle all or any portion of that  *(specify)*  into the body of another person with that person's consent; and
4. That the defendant did so intentionally.

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.

5*See* Penal Law § 15.05(1).

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