

**FALSELY REPORTING AN INCIDENT
IN THE THIRD DEGREE
(Falsely reporting child abuse)
Penal Law § 240.50 (4)(b)
(Committed on or after Feb. 1, 2009)**

The (specify) count is Falsely Reporting an Incident in the Third Degree.

Under our law, a person is guilty of Falsely Reporting an Incident in the Third Degree when, knowing the information reported, conveyed or circulated to be false or baseless, he or she reports, by word or action, an alleged occurrence or condition of child abuse or maltreatment, which did not in fact occur or exist, to any person required to report cases of suspected child abuse or maltreatment¹, knowing that the person is required to report such cases, and with the intent that such an alleged occurrence be reported to the statewide central register of child abuse and maltreatment².

The following term used in that definition has a special meaning:

INTENT means conscious objective or purpose. Thus, a person intends that an alleged occurrence be reported to the statewide central register when it is his or her conscious objective that it be so reported.

¹ The statute continues as follows: "pursuant to subdivision one of section four hundred thirteen of the social services law." If the "mandated reporter" status of an individual is at issue, see Social Services Law § 413 (1) (a).

² The words "of child abuse and maltreatment," have been added to the statutory definition of this crime for consistency with the language of Penal Law § 240.50 (4) (a).

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 four elements:

1. That on or about (date), in the county of (County), the defendant, (defendant's name), reported, by word or action, an alleged occurrence or condition of child abuse or maltreatment, which did not in fact occur or exist, to (specify), a person required to report cases of suspected child abuse or maltreatment;
2. That the defendant knew that (specify) was required to report such cases;
3. That, at that time, the defendant knew that the information reported, conveyed or circulated was false or baseless; and
4. That the defendant intended that the alleged occurrence be reported to the statewide central register of child abuse and maltreatment.

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.