CRIMINAL INTERFERENCE WITH HEALTH CARE SERVICES IN THE SECOND DEGREE
Penal Law § 240.70 (1) (d)
(Committed on or after Dec. 1, 1999)

The *(specify*) count is Criminal Interference with Health Care Services in the Second Degree.

Under our law, a person is guilty of Criminal Interference with Health Care Services in the Second Degree when he or she intentionally damages the property of a health care facility, or attempts to do so, because such facility provides reproductive health services.

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

HEALTH CARE FACILITY means a hospital, clinic, physician's office or other facility that provides reproductive health services, and includes the building or structure in which the facility is located; [1]

REPRODUCTIVE HEALTH SERVICES means health care services provided in a hospital, clinic, physician's office or other facility and includes medical, surgical, counseling or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy; [2]

INTENT means conscious objective or purpose.[3] Thus, a person intentionally damages the property of a health care facility, or attempts to do so, because such facility provides reproductive health services when it is his or her conscious objective or purpose to do so.

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[1] Penal Law § 240.70(3)(a).

[2] Penal Law § 240.70(3)(e).

[3] Penal Law § 15.05 (1).

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, the following element:

> That on or about *(date)*, in the County of *(county)*, the defendant, *(defendant's name)*, intentionally damaged the property of a health care facility, or attempted to do so, because such facility provided reproductive health services

If you find the People have proven that element beyond a reasonable doubt, you must find the defendant guilty of this crime.

If you find the People have not proven that element beyond a reasonable doubt, you must find the defendant not guilty of this crime.