**CRIMINAL INTERFERENCE WITH HEALTH

CARE SERVICES IN THE SECOND DEGREE

Penal Law § 240.70 (1) (a), (b)

(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 by force or threat of force or by physical obstruction, he or she intentionally injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with, another person

*Select appropriate alternative:*

because such other person was or is obtaining or providing reproductive health services

in order to discourage such other person or any other person or persons from obtaining or providing reproductive health services

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

INTERFERES WITH means to restrict a person's freedom of movement;1

INTIMIDATES means to place a person in reasonable apprehension of physical injury to himself or herself or to another person; 2

PHYSICAL OBSTRUCTION means rendering impassable ingress to or egress from a facility that provides reproductive health services, or rendering passage to or from such a facility

1 Penal Law § 240.70 (3)(b).

2 Penal Law § 240.70(3)(c).

unreasonably difficult or hazardous; 3

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;

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INTENT means conscious objective or purpose.5 Thus, a person intentionally injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with, another person

*Select appropriate alternative:*

because such other person was or is obtaining or providing reproductive health services

in order to discourage such other person or any other person or persons from obtaining or providing reproductive health services

when it is his or her conscious objective or purpose to do so.

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)*, by force or threat of force or by physical obstruction, intentionally injured, intimidated or interfered with, or attempted to injure, intimidate or interfere with, *(specify)*

3 Penal Law § 240.70(3)(d).

4 Penal Law § 240.70(3)(e).

5 Penal Law § 15.05 (1).

*Select appropriate alternative:*

because *(specify)* was obtaining or providing reproductive health services; *or*

in order to discourage *(specify)* or any other person or persons from obtaining or providing 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.