

**CRIMINAL INTERFERENCE WITH HEALTH CARE SERVICES
SECOND DEGREE
(A Misdemeanor)
PENAL LAW 240.70 (1) (a), (b)
(Committed on or after Dec. 1, 1999)**

The _____ 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

Some of the terms used in this definition have their own special meaning in our law. I will now give you the meaning of the following terms: “interferes with”, “intimidates”, “physical obstruction”, “reproductive health services” and “intent.”

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

¹ Penal Law § 240.70 (3)(b).

² Penal Law § 240.70(3)(c).

passage to or from such a facility 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;⁴

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:

³ Penal Law § 240.70(3)(d).

⁴ Penal Law § 240.70(3)(e).

⁵ Penal Law § 15.05 (1).

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)

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.

Therefore, if you find that the People have proven beyond a reasonable doubt that element, you must find the defendant guilty of the crime of Criminal Interference with Health Care Services in the Second Degree as charged in the _____ count.

On the other hand, if you find that the People have not proven beyond a reasonable doubt that element, you must find the defendant not guilty of Criminal Interference with Health Care Services in the Second Degree as charged in the _____ count.