

**CRIMINAL INTERFERENCE WITH RELIGIOUS WORSHIP  
SECOND DEGREE  
(A Misdemeanor)  
PENAL LAW 240.70 (1) (c)  
(Committed on or after Dec. 1, 1999)**

The \_\_\_\_\_ count is Criminal Interference with Religious Worship in the Second Degree.

Under our law, a person is guilty of Criminal Interference with Religious Worship 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 because such person was or is seeking to exercise the right of religious freedom at a place of religious worship.

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” and “intent.”

INTERFERES WITH means to restrict a person's freedom of movement;<sup>1</sup>

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

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 unreasonably difficult or hazardous;<sup>3</sup>

INTENT means conscious objective or purpose.<sup>4</sup> Thus, a person

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<sup>1</sup> Penal Law § 240.70 (3)(b).

<sup>2</sup> Penal Law § 240.70(3)(c).

<sup>3</sup> Penal Law § 240.70(3)(d).

<sup>4</sup> Penal Law § 15.05 (1).

intentionally injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with, another person because such other person was or is seeking to exercise the right of religious freedom at a place of religious worship 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) because (specify) was seeking to exercise the right of religious freedom at a place of religious worship.

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 Religious Worship 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 Religious Worship in the Second Degree as charged in the \_\_\_\_\_ count.