

**UNLAWFULLY DEALING WITH A CHILD
IN THE FIRST DEGREE
Penal Law § 260.20(1)
(Committed on or after Nov. 1, 1992)**

The (*specify*) count is Unlawfully Dealing with a Child in the First Degree.

A person is guilty of Unlawfully Dealing with a Child in the First Degree when that person knowingly permits a child less than eighteen years old to enter [or remain] in or upon a place, premises or establishment where

Select appropriate alternative(s):

sexual activity¹

or activity involving controlled substances

or [activity] involving marihuana

is maintained or conducted, and he or she knows or has reason to know that such activity is being maintained or conducted.

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

A person KNOWINGLY permits an individual to enter [or remain] in or upon a place, premises or establishment where sexual activity is maintained or conducted when that person is aware that he or she is doing so.

Knowledge of the age of the child is not an element of this

¹ At this point the statute states: "as defined by article one hundred thirty, two hundred thirty or two hundred sixty-three of this chapter or activity involving controlled substances as defined by article two hundred twenty of this chapter or involving marihuana as defined by article two hundred twenty-one of this chapter." The statutory references are omitted from the definition of the offense. The applicable "sexual activity" is included in the definition section.

crime, and thus, it is not a defense to this charge that the defendant did not know the age of the child, or believed the age of the child to be eighteen years or more .²

[SEXUAL ACTIVITY includes (specify the applicable sexual activity).³]

[(Specify) is a controlled substance.]

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, each of the following three elements:

(1) That on or about (date), in the County of (county), the defendant, (defendant's name) knowingly permitted (specify name of child) to enter [or remain] in or upon a place, premises or establishment where

Select appropriate alternative(s):

sexual activity
or activity involving controlled substances
or activity involving marihuana

was maintained or conducted.

(2) That the defendant knew or had reason to know that such activity was being maintained or conducted; and

(3) That (specify name of child) was less than eighteen years old.

If you find the People have proven beyond a reasonable

² Penal Law § 15.20(3).

³ See note 1.

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.