

**CRIMINAL USE OF A PUBLIC BENEFIT CARD
IN THE SECOND DEGREE
Penal Law § 158.30
(Committed on or after Nov. 1, 1995)**

The (specify) count is Criminal Use of a Public Benefit Card in the Second Degree.

Under our law, a person is guilty of Criminal Use of a Public Benefit Card in the Second Degree when that person knowingly

Select appropriate alternative:

loans money or otherwise provides property or services on credit and accepts a public benefit card as collateral or security for the repayment of such loan or for the provision of such property or services.

obtains a public benefit card in exchange for a benefit.

transfers or delivers a public benefit card to another

Select appropriate alternative(s):

in exchange for money

in exchange for a controlled substance¹

for the purpose of committing an unlawful act.

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

A person KNOWINGLY (specify applicable act from the definition) when that person is aware that he or she is doing so.

²

[Specify is a controlled substance.]

¹ At this point the statute states: "as defined in subdivision five of section 220.00" of the Penal Law.

² Penal Law § 15.05 (2).

PUBLIC BENEFIT CARD means any medical assistance card, food stamp assistance card, public assistance card, or any other identification, authorization card or electronic access device issued by the state or social services district which entitles a person to obtain public assistance benefits under a local, state, or federal program administered by the state, its political subdivisions, or social services districts.³

In order for you to find the defendant guilty of this crime, the People are required to prove from all of the evidence in the case beyond a reasonable doubt both of the following two elements:

1. That on or about (date) in the county of (county), the defendant (defendant's name)

Select appropriate alternative:

loaned money or otherwise provided property or services on credit and accepted a public benefit card as collateral or security for the repayment of such loan or for the provision of such property or services.

obtained a public benefit card in exchange for a benefit.

transferred or delivered a public benefit card to another

Select appropriate alternative(s):

in exchange for money

in exchange for a controlled substance

for the purpose of committing an unlawful act; and

2. That the defendant did so knowingly.

³ Penal Law § 158.00 (1)(a). For the definition of "social services district," see Social Services Law § 2 (7).

If you find the People have proven beyond a reasonable doubt both of those elements, you must find the defendant guilty of this crime.

If you find the People have not proven beyond a reasonable doubt either one or both of those elements, you must find the defendant not guilty of this crime.