

INTERFERENCE WITH TRANSPORTATION
(N.J.S.A. 2C:33-14)

Count _____ of the indictment provides as follows:

[READ COUNT OF THE INDICTMENT]

This count charges the defendant with Interference with Transportation in violation of a statute which provides as follows:

A person is guilty of interference with transportation if the person purposely or knowingly:

[CHOOSE APPROPRIATE]
[N.J.S.A. 2C:33-14a(1)]¹

casts, shoots or throws anything at, against or into any vehicle, including, but not limited to, a bus, light rail vehicle, railroad locomotive, railroad car, jitney, trolley car, subway car, ferry, airplane, or other facility of transportation.

OR
[N.J.S.A. 2C:33-14a(2)]

casts, shoots, throws or otherwise places any stick, stone, object or other substance upon any street railway track, trolley track or railroad track.

OR
[N.J.S.A. 2C:33-14a(3)]

endangers or obstructs the safe operation of motor vehicles by casting, shooting, throwing or otherwise placing any stick, stone, object or other substance upon any highway or roadway.

OR
[N.J.S.A. 2C:33-14a(4)]

unlawfully climbs into or upon any light rail vehicle, railroad locomotive or railroad car, either in motion or standing on the track of any railroad company in this State.

OR
[N.J.S.A. 2C:33-14a(5)]

unlawfully disrupts, delays or prevents the operation of any vehicle, including, but not limited to, a bus, light rail vehicle, railroad

¹ Here, and throughout the charge, the jury should not be apprised of statutory citations.

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locomotive, train . . . jitney, trolley, subway, airplane or any other facility of transportation.

OR

[N.J.S.A. 2C:33-14a(6)]

endangers or obstructs the safe operation of motor vehicles by using a traffic control preemption device to interfere with or impair the operation of a traffic control signal as defined under the law.²

OR

[N.J.S.A. 2C:33-14a(7)]

shines, points, or focuses a laser lighting device beam, directly or indirectly, upon a person operating any vehicle, including, but not limited to, a bus, light rail vehicle, railroad locomotive, railroad car, jitney, trolley car, subway car, ferry, airplane or other facility of transportation.

In order for the defendant to be found guilty of interfering with transportation, the State must prove beyond a reasonable doubt: that the defendant

[CHOOSE APPROPRIATE]

[N.J.S.A. 2C:33-14a(1)]

(1) cast, shot or threw anything at, against or into any vehicle, including, but not limited to, a bus, light rail vehicle, railroad locomotive, railroad car, jitney, trolley car, subway car, ferry, airplane or other facility of transportation.

OR

[N.J.S.A. 2C:33-14a(2)]

(1) cast, shot, threw or otherwise placed any stick, stone, object or other substance upon any street railway track, trolley track or railroad track.

OR

[N.J.S.A. 2C:33-14a(3)]

(1) endangered or obstructed the safe operation of motor vehicles
(2) by casting, shooting, throwing or otherwise placing any stick, stone, object or other substance upon any highway or roadway.

OR

[N.J.S.A. 2C:33-14a(4)]

² See R.S. 39:1-1.

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(1) unlawfully climbed into or upon any light rail vehicle, railroad locomotive or railroad car, either in motion or standing on the track of any railroad company in this State.

OR

[N.J.S.A. 2C:33-14a(5)]

(1) unlawfully disrupted, delayed or prevented the operation of any vehicle, including, but not limited to, a bus, light rail vehicle, railroad locomotive, train, bus, jitney, trolley, subway, airplane or any other facility of transportation.

[The term "unlawfully disrupts, delays or prevents the operation of" does not include non-violent conduct growing out of a labor dispute].³

OR

[N.J.S.A. 2C:33-14a(6)]

(1) endangered or obstructed the safe operation of motor vehicles

(2) by using a traffic control preemption device to interfere with or impair the operation of a traffic control signal as defined under the law.⁴

OR

[N.J.S.A. 2C:33-14a(7)]

(1) shined, pointed or focused a laser lighting device beam, directly or indirectly, upon a person operating any vehicle, including, but not limited to, a bus, light rail vehicle, railroad locomotive, railroad car, jitney, trolley car, subway car, ferry, airplane, or other facility of transportation.

AND

(2) or (3) that the defendant acted [purposely] [knowingly].

[CHOOSE APPROPRIATE]

[N.J.S.A. 2C:33-14a(1)]

The first element the State must prove beyond a reasonable doubt is that the defendant did cast, shoot or throw anything at, against or into any vehicle, including, but not limited to, a bus, light rail vehicle, railroad locomotive, railroad car, jitney, trolley car, subway car, ferry, airplane, or other facility of transportation.

OR

³ See N.J.S.A. 2A:15-58; N.J.S.A. 2C:33-14a(5).

⁴ See R.S. 39:1-1.

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[N.J.S.A. 2C:33-14a(2)]

The first element the State must prove beyond a reasonable doubt is that the defendant did cast, shoot, throw or otherwise place any stick, stone, object or other substance upon any street railway track, trolley track or railroad track.

OR

[N.J.S.A. 2C:33-14a(3)]

The first element the State must prove beyond a reasonable doubt is that the defendant endangered or obstructed the safe operation of motor vehicles.

The second element the State must prove beyond a reasonable doubt is that he/she endangered or obstructed the safe operation of motor vehicles by casting, shooting, throwing or otherwise placing any stick, stone, object or other substance upon any highway or roadway.

OR

[N.J.S.A. 2C:33-14a(4)]

The first element the State must prove beyond a reasonable doubt is that the defendant unlawfully climbed into or upon any light rail vehicle, railroad locomotive or railroad car, either in motion or standing on the track of any railroad company in this State.

OR

[N.J.S.A. 2C:33-14a(5)]

The first element the State must prove beyond a reasonable doubt is that the defendant unlawfully disrupted, delayed or prevented the operation of any vehicle, including, but not limited to, a bus, light rail vehicle, railroad locomotive, train . . . jitney, trolley, subway, airplane, or any other facility of transportation.

[The term “unlawfully disrupts, delays or prevents the operation of” does not include non-violent conduct growing out of a labor dispute.⁵ If this issue is raised, the burden is upon the State to disprove it beyond a reasonable doubt.]

OR

[N.J.S.A. 2C:33-14a(6)]

The first element the State must prove beyond a reasonable doubt is that the defendant endangered or obstructed the safe operation of motor vehicles.

The second element the State must prove beyond a reasonable doubt is that the defendant endangered or obstructed the safe operation of motor vehicles by using a traffic control preemption

⁵ See N.J.S.A. 2A:15-58; N.J.S.A. 2C:33-14a(5).

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device to interfere with or impair the operation of a traffic control signal.

"Traffic control preemption device" means an infrared transmitter or other device which transmits an infrared beam, radio wave or other signal designed to change, alter, or disrupt in any manner the normal operation of a traffic control signal.⁶

"Traffic control signal" means a device, whether manually, electrically, mechanically, or otherwise controlled, by which traffic is alternately directed to stop and to proceed.⁷

OR
[N.J.S.A. 2C:33-14a(7)]

The first element the State must prove beyond a reasonable doubt is that the defendant shined, pointed or focused a laser lighting device beam, directly or indirectly, upon a person operating any vehicle, including, but not limited to, a bus, light rail vehicle, railroad locomotive, railroad car, jitney, trolley car, subway car, ferry, airplane, or other facility of transportation.

"Laser lighting device" means a device which emits a laser beam that is designed to be used by the operator as a pointer or highlighter to indicate, mark or identify a specific position, place, item or object.⁸

[READ IN ALL CASES]

The [second] [third] element the State must prove beyond a reasonable doubt is that the defendant acted [purposely] [knowingly].

[A person acts purposely with respect to the nature of his/her conduct or a result thereof if it is his/her conscious object to engage in conduct of that nature or to cause such a result. A person acts purposely with respect to attendant circumstances if he/she is aware of the existence of such circumstances or believes or hopes that they exist. "With purpose," "designed," "with design," or equivalent terms have the same meaning.]

[A person acts knowingly with respect to the nature of his/her conduct or the attendant circumstances if he/she is aware that his/her conduct is of that nature, or that such circumstances exist, or he/she is aware of a high probability of their existence. A person acts knowingly with respect to a result of his/her conduct if he/she is aware that it is practically certain that his/her conduct will cause such a result].

[Purpose] [knowledge] is/are condition(s) of the mind that cannot be seen and can only be

⁶ N.J.S.A. 2C:33-14a(7).

⁷ R.S. 39:1-1.

⁸ N.J.S.A. 2C:33-14a(7).

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determined by inferences drawn from the defendant's conduct, words or acts and all the surrounding circumstances. It is not necessary for the State to prove the existence of such a mental state by direct evidence such as a statement by the defendant that he/she had a particular [purpose] [knowledge]. It is within the power of the jury to find that the proof of [purpose] [knowledge] has been furnished beyond a reasonable doubt by inferences which you may draw from the nature of the acts and circumstances surrounding the conduct of the defendant as they have been presented in the evidence you have heard and seen in this case.

[All jurors do not have to agree unanimously as to whether the defendant acted purposely or knowingly, so long as all agree that he/she had one or the other state of mind.]

If the State has failed to prove any of the elements beyond a reasonable doubt, you must find the defendant not guilty of interference with transportation. If the State has proven every element beyond a reasonable doubt, you must find the defendant guilty of interference with transportation.

GRADING

[CHOOSE APPROPRIATE]

[SECOND DEGREE]⁹

If you find that the State has proven defendant guilty beyond a reasonable doubt of this offense, then you must determine whether or not the State has proven beyond a reasonable doubt that the defendant [purposely] [knowingly] [recklessly] caused serious bodily injury to another person.

I have already defined ["purposely"] ["knowingly"] for you.

[CHARGE IF APPROPRIATE]

To this point in the trial, you have not been asked to consider whether or not the defendant acted recklessly. There is good reason for that. The issue of recklessness is only relevant when considering the severity of the offense of Interference with Transportation. A defendant is guilty of this offense only if he/she acted with a [purposeful][knowing] state of mind. You may consider whether the defendant acted recklessly only in determining the severity of the offense for which the defendant has been convicted.

A person acts recklessly with respect to the nature of his/her conduct or a result thereof when he/she consciously disregards a substantial and unjustifiable risk. The risk must be of such a nature and degree that, considering the nature and purpose of the actor's conduct and the circumstances known to him/her, its disregard involves a gross deviation from the standard of

⁹ The jury should not be advised of the degree of the alleged crime.

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conduct that a reasonable person would observe in the actor's situation.¹⁰

Recklessness is a state of mind which cannot be seen but can only be determined by inferences drawn from one's conduct, words or acts, and from all of the surrounding circumstances. It therefore is not necessary for the State to produce witnesses to testify that the defendant said he/she knew or believed that he/she was acting recklessly. His/Her state of mind is to be determined by you after you examine his/her conduct and actions, all that was said or done at that particular time and place, and all the surrounding circumstances. It is within the power of the jury to find that the proof of recklessness has been furnished beyond a reasonable doubt by inferences which you may draw from the nature of the acts and circumstances surrounding the conduct of the defendant as they have been presented in the evidence you have heard and seen in this case.

[CHARGE IN ALL CASES]

"Serious bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.¹¹ "Bodily injury" means physical pain, illness or any impairment of physical condition.¹²

[All jurors do not have to agree unanimously as to whether the defendant acted [purposely] [knowingly] [recklessly], so long as all agree that he/she had one or the other state of mind.]

If you find that the State has proven beyond a reasonable doubt that the defendant [purposely] [knowingly] [recklessly] caused serious bodily injury to another person, then you must find him/her guilty of this form of interference with transportation. If, on the other hand, you find that the State has failed to prove this element beyond a reasonable doubt, you must find him/her not guilty of this form of interference with transportation.

OR
[THIRD DEGREE]¹³

If you find that the State has proven defendant guilty beyond a reasonable doubt of this offense, then you must determine whether or not the State has proven beyond a reasonable doubt that:

[CHOOSE FROM THE FOLLOWING THREE OPTIONS]

¹⁰ See N.J.S.A. 2C:2-2b(3).

¹¹ Cf. N.J.S.A. 2C:11-1b.

¹² Cf. N.J.S.A. 2C:11-1a.

¹³ The jury should not be advised of the degree of the alleged crime.

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Option 1. the defendant [purposely] [knowingly] [recklessly] caused significant bodily injury to another person

OR

Option 2. the defendant [purposely] [knowingly] created a risk of significant bodily injury to another person

OR

Option 3. the defendant [purposely] [knowingly] [recklessly] caused pecuniary loss of \$2000 or more.

I have already defined ["purposely"] ["knowingly"] for you.

[CHARGE IF APPROPRIATE]

To this point in the trial, you have not been asked to consider whether or not the defendant acted recklessly. There is good reason for that. The issue of recklessness is only relevant when considering the severity of the offense of Interference with Transportation. A defendant is guilty of this offense only if he/she acted with a [purposeful][knowing] state of mind. You may consider whether the defendant acted recklessly only in determining the severity of the offense for which the defendant has been convicted.

A person acts recklessly with respect to the nature of his/her conduct or a result thereof when he/she consciously disregards a substantial and unjustifiable risk. The risk must be of such a nature and degree that, considering the nature and purpose of the actor's conduct and the circumstances known to him/her, its disregard involves a gross deviation from the standard of conduct that a reasonable person would observe in the actor's situation.¹⁴

Recklessness is a state of mind which cannot be seen but can only be determined by inferences drawn from one's conduct, words or acts, and from all of the surrounding circumstances. It therefore is not necessary for the State to produce witnesses to testify that the defendant said he/she knew or believed that he/she was acting recklessly. His/Her state of mind is to be determined by you after you examine his/her conduct and actions, all that was said or done at that particular time and place, and all the surrounding circumstances. It is within the power of the jury to find that the proof of recklessness has been furnished beyond a reasonable doubt by inferences which you may draw from the nature of the acts and circumstances surrounding the conduct of the defendant as they have been presented in the evidence you have heard and seen in this case.

["Significant bodily injury" means bodily injury which creates a temporary loss of the

¹⁴ See N.J.S.A. 2C:2-2b(3).

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function of any bodily member or organ or temporary loss of any one of the five senses.¹⁵

"Bodily injury" means physical pain, illness or any impairment of physical condition.^{16]}

[All jurors do not have to agree unanimously as to whether the defendant acted purposely, knowingly, or recklessly, so long as all agree that he/she had one or the other state of mind.]¹⁷

[The value of a pecuniary loss is the fair market value of the property of which the owner was deprived at the time of his/her possession.]¹⁸

If you find that the State has proven beyond a reasonable doubt that the defendant:

[CHOOSE FROM ONE OF THE FOLLOWING THREE OPTIONS]

Option 1. [purposely] [knowingly] [recklessly] caused significant bodily injury to another person

OR

Option 2. [purposely] [knowingly] created a risk of significant bodily injury to another person

OR

Option 3. [purposely] [knowingly] [recklessly] caused pecuniary loss of \$2000 or more

[CHARGE IN ALL CASES]

then you must find him/her guilty of this form of interference with transportation. If, on the other hand, you find that the State has failed to prove this element beyond a reasonable doubt, you must find him/her not guilty of this form of interference with transportation.

OR

[FOURTH DEGREE]¹⁹

If you find that the State has proven defendant guilty beyond a reasonable doubt of this offense, then you must determine whether or not the State has proven beyond a reasonable doubt that:

[CHOOSE FROM THE FOLLOWING TWO OPTIONS]

Option 1. [the defendant [purposely] [knowingly] [recklessly] caused bodily injury to another person]

OR

Option 2. [the defendant [purposely][knowingly] [recklessly] caused pecuniary loss in excess of \$500 but less than \$2000].

I have already defined ["purposely"] ["knowingly"] for you.

¹⁵ Cf. N.J.S.A. 2C:11-1a.

¹⁶ Cf. N.J.S.A. 2C:11-1a.

¹⁷ Recall that Option 2 only requires "purposeful" or "knowing" intent.

¹⁸ See N.J.S.A. 2C:1-14m.

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[CHARGE IF APPROPRIATE]

To this point in the trial, you have not been asked to consider whether or not the defendant acted recklessly. There is good reason for that. The issue of recklessness is only relevant when considering the severity of the offense of Interference with Transportation. A defendant is guilty of this offense only if he/she acted with a [purposeful][knowing] state of mind. You may consider whether the defendant acted recklessly only in determining the severity of the offense for which the defendant has been convicted.

A person acts recklessly with respect to the nature of his/her conduct or a result thereof when he/she consciously disregards a substantial and unjustifiable risk. The risk must be of such a nature and degree that, considering the nature and purpose of the actor's conduct and the circumstances known to him/her, its disregard involves a gross deviation from the standard of conduct that a reasonable person would observe in the actor's situation.²⁰

Recklessness is a state of mind which cannot be seen but can only be determined by inferences drawn from one's conduct, words or acts, and from all of the surrounding circumstances. It therefore is not necessary for the State to produce witnesses to testify that the defendant said he/she knew or believed that he/she was acting recklessly. His/Her state of mind is to be determined by you after you examine his/her conduct and actions, all that was said or done at that particular time and place, and all the surrounding circumstances. It is within the power of the jury to find that the proof of recklessness has been furnished beyond a reasonable doubt by inferences which you may draw from the nature of the acts and circumstances surrounding the conduct of the defendant as they have been presented in the evidence you have heard and seen in this case.

["Bodily injury" means physical pain, illness or any impairment of physical condition.²¹]

[The value of a pecuniary loss is the fair market value of the property of which the owner was deprived at the time of his/her possession.]²²

[All jurors do not have to agree unanimously as to whether the defendant acted [purposely] [knowingly] [recklessly], so long as all agree that he/she had one or the other state of mind.]

If you find that the State has proven beyond a reasonable doubt that the defendant:

[CHOOSE ONE OF THE FOLLOWING TWO OPTIONS]

Option 1. [purposely] [knowingly] [recklessly] caused bodily injury to another person

¹⁹ The jury should not be advised of the degree of the alleged crime.

²⁰ See N.J.S.A. 2C:2-2b(3).

²¹ Cf. N.J.S.A. 2C:11-1a.

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OR

Option 2. [purposely] [knowingly] [recklessly] caused pecuniary loss in excess of \$500 but less than \$2000

[CHARGE IN ALL CASES]

then you must find him/her guilty of this form of interference with transportation. If, on the other hand, you find that the State has failed to prove this element beyond a reasonable doubt, you must find him/her not guilty of this form of interference with transportation.