

Submitted: 05/10/95  
Reviewed by committee 11/17/95  
Reporter's draft 04/30/97

**DRAFT**

**BREACHES OF THE PEACE AND OTHER OFFENSES**

**RSA 644:1, I(a): Engaging in a Riot**

The defendant is charged with the crime of engaging in a riot. This offense has [four][five] parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant acted simultaneously with two or more other persons; and
2. The defendant engaged in tumultuous or violent conduct; and
3. The defendant's conduct created a substantial risk of causing public alarm; and
4. The defendant acted [purposely][recklessly].

For a class B felony, include the following:

5. [ In the course of and as a result of the defendant's conduct, any person suffered physical injury, or substantial property damage or arson occurred][The defendant was armed with a deadly weapon].

These are the elements of the crime of engaging in a riot. Certain words in the definition need to be defined.

“Arson” means when a person knowingly starts a fire or causes an explosion which unlawfully damages the property of another.

“Deadly weapon” means [insert statutory definition found in RSA 625:11,V ].

“Purposely” means...[see definition of purposely].

“Recklessly” means...[see definition of recklessly].

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**DRAFT**

**RSA 644:1, I(b): Assembling for the Purpose of Engaging in a Riot**

The defendant is charged with the crime of assembling for the purpose of engaging in a riot. This offense has [three]four] parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant assembled with two or more other persons; and
2. The defendant had the purpose of engaging soon thereafter in tumultuous or violent conduct; and
3. The defendant believed that two or more other persons in the assembly had the same purpose; and

For a class B felony, select one of the following:

- [4. [In the course of and as a result of the defendant's conduct, any person suffered physical injury, or substantial property damage or arson occurred] [the defendant was armed with a deadly weapon.

These are the elements of the crime of engaging in a riot. Certain words used in the elements also need to be defined or explained further:

“Arson” means when a person knowingly starts a fire or causes an explosion which unlawfully damages the property of another.

“Deadly weapon” means [insert statutory definition found in RSA 625:11,V ].

“Purposely” means...[see definition of purposely].

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**DRAFT**  
RSA 644:1, I(c): Riot

**[assembling for purpose of committing an offense against a supposed violator of the law]**

The defendant is charged with the crime of riot by assembling with two or more other persons for the purpose of committing an offense against a supposed violator of the law. This offense has [four][five] parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant assembled with two or more other persons; and
2. The defendant had the purpose of committing an offense against the person or property of another whom the defendant supposed to be guilty of a violation of the law; and
3. The defendant believed that two or more of the other persons in the assembly had the same purpose; and
4. The defendant acted purposely.

For a class B felony, add the following:

5. [ In the course of and as a result of the defendant's conduct, any person suffered physical injury, or substantial property damage or arson occurred.][The defendant was armed with a deadly weapon.]

These are the elements of the crime of riot. Certain words need to be defined.

“Arson” means when a person knowingly starts a fire or causes an explosion which unlawfully damages the property of another.

“Deadly weapon” means [insert statutory definition found in RSA 625:11,V ].

“Purposely” means...[see definition of purposely].

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**DRAFT**  
RSA 644:1, III: Riot  
[refusal to render assistance to law enforcement]

The defendant is charged with the crime of refusal to render assistance to law enforcement during a riot. This offense has four parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant was present during a riot; and
2. The defendant was requested by a police officer to render assistance, other than the use of force, in suppressing the riot; and
3. The defendant refused to give such assistance; and
4. The defendant acted knowingly.

These are the elements of the crime of refusing to render assistance to law enforcement during a riot. Certain words need to be defined.

The law defines a riot as an assembly of three or more persons engaged in tumultuous or violent conduct, thereby purposely or recklessly creating a substantial risk of causing public alarm. A riot is also an assembly of three or more persons for the purpose of engaging soon thereafter in tumultuous or violent conduct. A riot is also an assembly three or more persons with the purpose of committing an offense against the person or property of another who is supposed to be guilty of a violation of the law.

“Knowingly” means....[see definition of knowingly].

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**DRAFT**

**RSA 644:2, I: Disorderly Conduct [creating hazardous condition]**

The defendant is charged with the crime of disorderly conduct. This offense has five parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant created a condition that was hazardous to [himself][herself] or another person;
2. The defendant created the condition in a public place; and
3. The defendant created the condition by an action that served no legitimate purpose; and
4. The defendant continued the conduct after a request by any person to desist;<sup>82</sup> and
5. The defendant acted [knowingly][purposely.]

These are the elements of the crime of disorderly conduct. Certain words need to be defined.

“Public place” means [insert statutory definition of RSA 644:2,IV(b)].

“Knowingly” means...[see definition of knowingly].

“Purposely” means...[see definition of purposely].

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<sup>82</sup> If this element is not proved, the defendant may still be convicted on a violation as a lesser included offense. RSA 644:2, V.

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**DRAFT**  
**RSA 644:2, II (a): Disorderly Conduct**  
**[Fighting or violent, tumultuous or threatening behavior]**

The defendant is charged with the crime of disorderly conduct. The definition of the offense has three parts or elements. The State must prove each element beyond a reasonable doubt. Thus the State must prove that:

1. The defendant engaged in fighting or in violent, tumultuous or threatening behavior;  
and
2. The defendant engaged in this conduct in a public place ; and
3. The defendant continued the conduct after a request by any person to desist; and

These are the elements of the crime of disorderly conduct. Certain words used in the elements also need to be defined.

“Public place” means [insert statutory definition at RSA 644:2, IV(b)].

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**DRAFT**

**RSA 644:2, II (b): Disorderly Conduct (Obscene, derisive or offensive words)**

The defendant is charged with the crime of disorderly conduct. The definition of this offense has four parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant directed obscene derisive, or offensive words at another person; and
2. The words were likely to provoke a violent reaction on the part of an ordinary person;  
and
3. The defendant engaged in this conduct in a public place; and
4. The defendant continued the conduct after a request by any person to desist.

These are the elements of the crime of disorderly conduct. Certain words need to be defined.

“Public place” means [insert statutory definition at RSA 644:2, IV(b)].

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**DRAFT**

**RSA 644:2, II(c): Disorderly Conduct (Obstructing traffic)**

The defendant is charged with the crime of disorderly conduct. The definition of this offense has two parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant obstructed vehicular or pedestrian traffic on a public street or sidewalk or the entrance to a public building; and
2. The defendant continued the conduct after a request by any person to desist.

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**DRAFT**

**RSA 644:2, II (d): Disorderly Conduct [Interfering with a criminal investigation, fire fighting or emergency services]**

The defendant is charged with the crime of disorderly conduct. The definition of this offense has three parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant engaged in conduct which substantially interfered with [a criminal investigation] [a firefighting operation] [the provision of emergency medical treatment] [the provision of emergency services when traffic or pedestrian management is required]; and
2. The defendant engaged in this conduct in a public place; and
3. The defendant continued the conduct after a request by any person to desist.

These are the elements of the crime of disorderly conduct. Certain words need to be defined.

“Public place” means [insert statutory definition at RSA 644:2, IV(b)].

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**DRAFT**

**RSA 644:2, II(e): Disorderly Conduct (Refusal to comply with a lawful order)**

The defendant is charged with the crime of disorderly conduct. The definition of this offense has three parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant refused to comply with an order of a peace officer to move from any public place; and
2. The order of the peace office was lawful; and
3. The defendant acted knowingly.

These are the elements of the crime of disorderly conduct. Certain words need to be defined.

“Public place” means [insert statutory definition at RSA 644:2, IV(b)].

“Lawful order” means [insert statutory definition at RSA 644:2, IV(a)].

“Knowingly” means....[see definition of knowingly].

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# DRAFT

## RSA 644:3: False Public Alarms

The defendant is charged with the crime of false public alarms. The definition of this offense has four parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant directly or indirectly communicated a report regarding a fire, explosion, catastrophe, or emergency; and
2. The report was communicated to a governmental agency that commonly deals with emergencies involving danger to life or property; and
3. The report was known by the defendant to be false; and
4. The defendant acted knowingly.

These are the elements of the crime of false public alarm. Certain words need to be defined.

“Knowingly” means....[see .definition of knowingly.]

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# DRAFT

**RSA 644:3-a: False Fire Alarms**

The defendant is charged with the crime of false fire alarm. The definition of this offense has two parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant [gave] [aided or abetted in the giving of] a false alarm of fire by any means; and
2. The defendant acted knowingly.

These are the elements of the crime of false fire alarm. Certain words used in the elements also need to be defined or explained further:

“Knowingly” means....[see definition of knowingly].

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**DRAFT**

**RSA 644:3-b: False Fire Alarms Resulting in Injury or Death**

The defendant is charged with the crime of false fire alarm resulting in injury or death. The definition of this offense has three parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant [gave] [aided or abetted in the giving of] a false alarm of fire; and
2. The defendant acted knowingly; and
3. Bodily injury or death was sustained by any person as a result of the false alarm.

These are the three elements of the offense of false fire alarm resulting in injury or death. Certain words need to be defined.

“Knowingly” means....[see definition of knowingly.]

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**DRAFT**

**RSA 644:3-c: Unlawful Interference with Fire Alarm Apparatus**

The defendant is charged with the crime of unlawful interference with fire alarm apparatus. The definition of this offense has two parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant [tampered with] [interfered with] [impaired] any public fire alarm [apparatus] [wire] [associated equipment]; and
2. The defendant acted knowingly.

These are the elements of the crime of unlawful interference with fire alarm apparatus. Certain words need to be defined.

“Knowingly” means....[see definition of knowingly].

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**DRAFT**  
**RSA 644:4, I(a): Harassment (Telephone Calls)**

The defendant is charged with the crime of harassment. The definition of this offense has two parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant made a telephone call, whether or not a conversation ensued; and
2. The defendant acted with the purpose to annoy or alarm another person.

These are the elements of the crime of harassment. Certain words need to be defined.

“Purposely” means....[see definition of purposely].

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**DRAFT**

**RSA 644:4, I(b): Harassment  
(Repeated communications at inconvenient hours or using obscene language)**

The defendant is charged with the crime of harassment. The definition of this offense has two parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant made repeated communications [at extremely inconvenient hours] [in offensively course language]; and
2. The defendant acted with the purpose to annoy or alarm another person.

These are the elements of the crime of harassment. Certain words need to be defined.

“Communication” means the imparting of [insert statutory definition at RSA 644:4, II.

“Purposely” means...[see definition of purposely].

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**DRAFT**

**RSA 644:4, I(c): Harassment (insulting, taunting, or challenging)**

The defendant is charged with the crime of harassment. The definition of this offense has two parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant [insulted] [taunted] [challenged] another person; and
2. The defendant acted in a manner likely to provoke a violent or disorderly response.

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**DRAFT**  
RSA 644:4, I(d): Harassment

**(Communicating any matter tending to incite murder, assault, or arson)**

The defendant is charged with the crime of harassment. The definition of this offense has two parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant made a communication which was likely to incite [murder] [assault] [arson]; and
2. The defendant acted knowingly.

These are the elements of the crime of harassment. Certain words need to be defined.

“Communicate” means ... [insert statutory definition at RSA 644:4, II ].

“Knowingly” means....[see definition of knowingly].

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**DRAFT**  
**RSA 644:4, I(e): Harassment (Communicating a threat)**

The defendant is charged with the crime of harassment. The definition of this offense has two parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant communicated a threat [to kidnap any person] [to interfere with the lawful custody of a child in violation of RSA 633:4] [to the life or safety of another person]; and
2. The defendant acted with the purpose to annoy or alarm another person.

These are the elements of the crime of harassment. Certain words need to be defined.

“Communicate” means ... [insert statutory definition of RSA 644:4, II ].

A person is in violation of RSA 633:4 when he/she takes, entices away, detains, or conceals any child under the age of 18, or causes any the child to be taken, enticed away, detained or concealed, with the intent to detain or conceal the child from a parent, guardian, or other person having lawful charge of the child.

“Purposely” means....[see definition of purposely].

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**DRAFT**

**RSA 644:4, I(f): Harassment (Communicating after notification)**

The defendant is charged with the crime of harassment. The definition of this offense has four parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant communicated with another person; and
2. The defendant had previously been notified that the recipient did not desire further communication; and
3. The communication was not for a lawful purpose or constitutionally protected; and
4. The defendant acted with the purpose to annoy or alarm another person.

These are the elements of the crime of harassment. Certain words need to be defined.

“Communicate” means ... [insert statutory definition at RSA 644:4, II ].

“Purposely” means....[see definition of purposely].

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# DRAFT

~~RSA 644:7: Abuse of Corpse~~

The defendant is charged with the crime of abuse of a corpse. The definition of this offense has three parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant [removed] [concealed] [destroyed] [a corpse] [any part of a corpse];  
and
2. The defendant acted unlawfully; and
3. The defendant acted knowingly.

These are the elements of the crime of abuse of a corpse. Certain words need to be defined.

“Knowingly” means....[see definition of knowingly].

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**DRAFT**

**RSA 644:8-a, I: Exhibitions of Fighting Animals (Keeping or training)**

The defendant is charged with the crime of exhibitions of fighting animals. The definition of this offense has three parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant [kept] [trained] any [dog] [bird] [other animal]; and
2. The defendant had the intent that the [dog] [bird] [other animal]; would be used in an exhibition of fighting; and
3. The defendant acted purposely.

These are the elements of the crime of exhibitions of fighting animals. Certain words need to be defined.

“Purposely” means...[see definition of purposely].

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**DRAFT**  
**RSA 644:8/a, I: Exhibitions of Fighting Animals**  
**(Establishing or promoting an exhibition of fighting)**

The defendant is charged with the crime of exhibitions of fighting animals. The definition of this offense has two parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant [established] [promoted] an exhibition of the fighting of any [dog] [bird] [other animal]; and
2. The defendant acted purposely.

These are the elements of the crime of exhibitions of fighting animals. Certain words need to be defined.

“Purposely” means....[see definition of purposely].

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**DRAFT**

**RSA 644:8-a, II: Exhibitions of Fighting Animals (Presence during preparations)**

The defendant is charged with the crime of exhibitions of fighting animals. The definition of this offense has two parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant was present at any place or building when preparations were being made for an exhibition of fighting [dogs] [birds] [other animals]; and
2. The defendant had the intent to be present at such exhibition; and
3. The defendant acted purposely.

These are the elements of the crime of exhibitions of fighting animals. Certain words need to be defined.

“Purposely” means...[see definition of purposely].

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**DRAFT**  
**RSA 644:8-a, II: Exhibitions of Fighting Animals**  
**(Presence at, aiding in or contributing to the exhibition)**

The defendant is charged with the crime of exhibitions of fighting animals. The definition of this offense has one part or element. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant [was present at] [aided in] [contributed to] an exhibition of fighting [dogs] [birds] or other animals].

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**DRAFT**  
**RSA 644:8-2a: Animals in Motor Vehicle**

The defendant is charged with the crime of animals in motor vehicle. The definition of this offense has two parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant confined an animal in a [motor vehicle] [other enclosed space]; and
2. The temperature in the [motor vehicle] [other enclosed space] was [so high] [so low] as to cause serious harm to the animal.

These are the elements of the crime of animals in motor vehicle. Certain words need to be defined.

“Animal” means a domestic animal, household pet, or wild animal held in captivity.

Approved 2/17/06

**RSA 644:8 III (a) Cruelty to Animals - Deprive of Care or Shelter**

**DRAFT**

The defendant is charged with the offense of cruelty to animals. The definition of this crime has three (3) parts or elements. The state must prove each element beyond a reasonable doubt. Thus, the state must prove that:

1. The defendant deprived (or caused to be deprived) an animal in his/her possession (or custody) necessary care (sustenance) (or shelter);
2. The defendant acted without lawful authority; and
3. The defendant acted negligently

There are the elements of the crime of cruelty to animals. Certain words in the definition need to be further defined.

“Cruelty” means – see 644:8 I

“Animal” means – see 644:8 II

“Shelter” means – see 644:8 II -(a)

“Negligently” means (see definition of negligently, also 626:2, II (d) )

# DRAFT

Approved 2/17/06

## **RSA 644:8, III (b) Cruelty to Animals – Beat, Whip, Torture or Mutilate**

The defendant is charged with the offense of cruelty to animals. The definition of this crime has two (2) parts or elements. The state must prove each element beyond a reasonable doubt. Thus, the state must prove that:

1. The defendant (beat) (cruelly whipped) (tortured) (mutilated) (or in any other manner mistreated) (or caused to be mistreated) any animal.
2. The defendant acted negligently.

These are the elements of the crime of cruelty to animals. Certain words in the definition need to be further defined.

“Cruelty” means – see 644:8 I

“Animal” means – see 644:8 II

“Negligently” means (see definition of negligently, also 626:2, II (d) )

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**RSA 644:8 III (c) - Cruelty to Animals - Overwork**

# DRAFT

The defendant is charged with the offense of cruelty to animals. The definition of this crime has two (2) parts or elements. The state must prove each element beyond a reasonable doubt. Thus, the state must prove that:

1. The defendant (overdrove), (overworked), (drove when overloaded), (or otherwise abused or misused) an animal intended for (or used for) labor.
2. The defendant acted negligently.

These are the elements of the crime of cruelty to animals. Certain words in definition need to be further defined.

“Cruelty” means – see 644:8, I

“Animal” means – see 644:8, II

“Negligently” means – (see definition of negligently, also 626:2, II (d) )

2/17/06 Approved

**RSA 644:8 III (d) Cruelty to Animals – Improper Transport**

**DRAFT**

The defendant is charged with the offense of cruelty to animals. The definition of this crime has three (3) parts or elements. The state must prove each element beyond a reasonable doubt. Thus, the state must prove that:

1. The defendant transported an animal in his/her possession (custody); and
2. The defendant did so in a manner that was injurious to health, safety or physical well-being of the animal; and
3. The defendant acted negligently

These are the elements of the crime of cruelty to animals. Certain words in the definition need to be further defined.

“Cruelty” means – see 644:8, I

“Animal” means – 644:8, II

“Negligently” means (see definition of negligently, also 626:2, II (d) )

Approved 2/17/06

**RSA 644:8, III (e) Cruelty to Animals – Abandon**

**DRAFT**

The defendant is charged with the offense of cruelty to animals. The definition of this crime has three (3) parts or elements. The state must prove each element beyond a reasonable doubt. Thus, the state must prove that:

1. The defendant abandoned an animal in his/her possession or custody; and
2. The defendant did so by causing the animal to be left without supervision or adequate provision for its care sustenance or shelter; and
3. The defendant acted negligently.

These are the elements of the crime of cruelty to animals. Certain words in the definition need to be further defined.

“Cruelty” means – see 644:8, I

“Animal” means – see 644:8, II

“Negligently” means (see definition of negligently, also 626:2, II (d) )

Approved 2/17/06

**RSA 644:8, III (F) Cruelty to Animals – Catchall**

# DRAFT

The defendant is charged with the offense of cruelty to animals. The definition of this crime has two (2) parts or elements. The state must prove each element beyond a reasonable doubt. Thus, the state must prove that:

1. The defendant permitted or caused an animal in his/her possession or custody to be subjected to (cruelty), (inhumane treatment) (unnecessary suffering of any kind); and
2. The defendant acted negligently.

These are the elements of the crime of cruelty to animals. Certain words in the definition need to be further defined.

“Cruelty” means – see 644:8, I

“Animal” means – see 644:8, II

“Negligently” means (see definition of negligently, also 626:2, II (d) )

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**RSA 644:8, III-a Cruelty to Animals – Beat, Whip, Torture or Mutilate – Purposely**

**DRAFT**

The defendant is charged with the offense of cruelty to animals. The definition of this crime has two (2) parts or elements. The state must prove each element beyond a reasonable doubt. Thus, the state must prove that:

1. The defendant [beat] [cruelly whipped] [tortured] [mutilated] any animal; and
2. The defendant acted purposely.

These are the elements of the crime of cruelty to animals. Certain words in the definition need to be further defined.

“Cruelty” means – see 644:8, I

“Animal” means – see 644:8, II

“Negligently” means see definition of negligently, also 626:2, II (d)

“Purposely” means - see definition of purposely.

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# DRAFT

~~RSA 644:17 I: Willful concealment~~

The defendant is charged with the crime of willful concealment. The definition of this crime has four parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant concealed [goods] [merchandise] of any store; and
2. The defendant had no authority to do so; and
3. The defendant was upon the premises of the store; and
4. The defendant acted willfully.<sup>1</sup>

These are the elements of the crime of willful concealment. Certain words need to be defined.

“Willfully” means [see definition of knowingly.]

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<sup>1</sup> RSA 626:2, IV

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# DRAFT

**RSA 644:17, II: Shoplifting**

The defendant is charged with the crime of shoplifting. The definition of this crime has two parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant [removed goods or merchandise from the premises of a merchant] [altered, transferred or removed any price marking affixed to goods or merchandise] [caused the cash register or other sales recording device to reflect less than the merchant stated or advertised price for goods or merchandise] [transferred goods or merchandise from the container in which such goods or merchandise were intended to be sold to another container]; and
2. The defendant acted with a purpose to deprive the merchant of the goods or merchandise.

These are the elements of the crime of shoplifting. Certain words in the definition need to be defined.

“Merchant” means [inset statutory definition of RSA 644:17 III (a)]

“Purpose to deprive” means [inset statutory definition of RSA 644:17 III (b)]

“Knowingly” means [see definition of knowingly]