

**CAUSING OR RISKING WIDESPREAD INJURY OR DAMAGE
(EXPLOSION, FLOOD ETC.)
N.J.S.A. 2C:17-2(a)(1)**

Count _____ of the indictment charges the defendant with causing widespread injury or damage in violation of a statute which provides as follows:

A person who, purposely or knowingly, causes an explosion, flood, avalanche, collapse of a building, release or abandonment of poisonous gas, radioactive material or any other harmful or destructive substance commits a crime. . .

In order for the defendant to be found guilty of causing widespread injury or damage, the State must prove the following elements beyond a reasonable doubt:

(1) that the defendant unlawfully caused¹ [an explosion] [a flood] [an avalanche] [the collapse of a building] [the release or abandonment of poisonous gas] [the release or abandonment of radioactive material] [the release or abandonment of _____]²; and

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

The first element the State must prove beyond a reasonable doubt is that defendant unlawfully caused [an explosion] [a flood] [an avalanche] [the collapse of a building] [the release or abandonment of poisonous gas] [the release or abandonment of radioactive material] [the release or abandonment of _____].

The second element the State must prove beyond a reasonable doubt is that the defendant acted purposely or knowingly. A person acts purposely with respect to the nature of his/her conduct

¹ If causation is in issue, charge N.J.S.A. 2C:2-3.

² Insert the name of the “other harmful or destructive substance” alleged.

³ To convict of this crime, the jurors need not be unanimous in their findings that the described conduct was committed either “purposely” or “knowingly.” Some jurors could find the conduct to have been purposeful, while others found it to be knowing, and the conviction would still be valid.

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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 and knowledge are conditions of the mind that cannot be seen and can only be determined by inferences drawn from the defendant's conduct, words or acts. 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 or knowledge. It is within the power of the jury to find that the proof of purpose or 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.

If the State has failed to prove any one or more of the elements as I have described them to you beyond a reasonable doubt, you must find the defendant not guilty of causing widespread injury or damage. If the State has proven each element beyond a reasonable doubt, you must find the defendant guilty of the crime of causing or risking widespread injury or damage.

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**[RECKLESSLY CAUSING WIDESPREAD
INJURY OR DAMAGE - USE IF APPLICABLE]**

If you find the defendant not guilty of purposely or knowingly causing widespread injury or damage, you must consider whether or not the State has proven him/her guilty of recklessly causing widespread injury or damage.

In order for the defendant to be found guilty of recklessly causing widespread injury or damage, the State must prove the following elements beyond a reasonable doubt:

- (1) that the defendant unlawfully caused⁴ [an explosion] [a flood] [an avalanche] [the collapse of a building] [the release or abandonment of poison gas] [the release or abandonment of radioactive material] [the release or abandonment of _____]⁵; and
- (2) that the defendant acted recklessly.

The first element the State must prove beyond a reasonable doubt is that defendant unlawfully caused [an explosion] [a flood] [an avalanche] [the collapse of a building] [the release or abandonment of poisonous gas] [the release or abandonment of radioactive material] [the release or abandonment of _____].

The second element the State must prove beyond a reasonable doubt is that the defendant acted recklessly. 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

⁴ If causation is in issue, charge N.J.S.A. 2C:2-3.

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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.⁶

Recklessness is a condition of the mind that cannot be seen and can only be determined by inferences drawn from the defendant's conduct, words or acts. 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 acted or was acting recklessly. 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.

If the State has failed to prove any one or more of the elements as I have described them to you beyond a reasonable doubt, you must find the defendant not guilty of recklessly causing widespread injury or damage. If the State has proven each element beyond a reasonable doubt, you must find the defendant guilty of the crime of recklessly causing widespread injury or damage.

⁵ Insert the name of the "other harmful or destructive substance" alleged.

⁶ See N.J.S.A. 2C:2-2b(3).