

PROVIDING AN INMATE WITH CONTRABAND

(N.J.S.A. 2C:29-6b)

[Note: This is a lesser included offense to the crime of providing an implement for escape to an inmate of an institution or a detention facility under N.J.S.A. 2C:29-6a. The following is not meant to stand alone, but to serve as a supplement to the model charge entitled Escape Implements - Introducing into Institution or Providing Inmate (N.J.S.A. 2C:29-6a).]

Under the circumstances of this case, I charge you that you should also consider whether defendant has committed the offense of providing contraband to an inmate of an institution or a detention facility. The relevant statute provides that "A person commits a[n]...offense if he provides an inmate with any other thing [than a weapon, tool or other thing which may be useful for escape] which [he] knows or should know it is unlawful for the inmate to possess."

To obtain a conviction on this charge, the State must prove each of the following elements beyond a reasonable doubt:

- (1) That defendant provided S1 to an inmate of an institution or a detention facility;
- (2) That S1 is not a weapon, tool or other thing which may be useful for escape; and
- (3) That defendant knew or should have known that it was unlawful for the inmate to possess S1.

I have already defined the relevant terms for you. If you find that the State has failed to prove any one or more of the elements of this offense beyond a reasonable doubt, then your verdict should be Not Guilty. On the other hand, if you find that the State has proven all of the elements beyond a reasonable doubt, then your verdict should be Guilty.