

**New and updated instructions in this 2024 edition of
North Carolina Pattern Jury Instructions for Criminal Cases**

This edition contains an updated table of contents for the criminal instructions, a number of replacement instructions for criminal cases, and a new criminal index. To update your printed edition, print and place the instructions listed below in the proper numerical sequence of your previous edition. Old instructions with the same number should be discarded.

Interim Instructions. As the Pattern Jury Instructions Committee considers new or updated instructions, it posts Interim Instructions that are too important to wait until June to distribute as part of the new edition to the School of Government website at sog.unc.edu/programs/ncpij. You may check the site periodically for these instructions or join the Pattern Jury Interim Instructions Listserv to receive notification when instructions are posted to the website.

This 2024 edition contains the following new instructions identified with an asterisk (*), and revised instructions:

- 100.40 Alternate Juror(s) Substituted—Instructions to Jury to Begin Deliberations Anew.
- 101.35 Concluding Instructions—Jury Consider All Evidence, Judge Not Express Opinion, Unanimous Verdict, Selection of Foreperson.
- *104.99 Limitation on Certain Non-Hearsay Statements.
- 204.25 Aggravating Factor Instruction.
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- 206.70 Death by Distribution Through Unlawful Sale of Certain Controlled Substances—Lesser Included Offense. Felony.
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- *206.76 Death by Distribution Through Unlawful Delivery with Malice of Certain Controlled Substances. Felony.
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- 207.80B.1 Felonious Sexual Activity With a Student (by member of school personnel other than Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). (Offenses on or after Dec. 1, 2015) Felony; Misdemeanor.
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- 208.70 Assault on a Female by a Male Person. Misdemeanor.
- *208.78 Assault on a Pregnant Woman. Misdemeanor.
- *208.79 Misdemeanor Crime of Domestic Violence. Misdemeanor.
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- 233.83 Furnishing a Tobacco Product (Including Vapor Products) to an Inmate. Misdemeanor.
- 233.84 Furnishing a [Mobile Telephone] [Wireless Communication Device] [Component of a [Mobile Telephone] [Wireless Communication Device]] to an Inmate. Felony.
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- *237.53 Knowingly Attempting to [Suborn] [Collude] [Otherwise Conspire] to Influence the Outcome of [Any Competition] [Aspect of Any Competition] that is the Subject of Sports Wagering. Felony.
- *237.54 Willfully [Furnishing] [Supplying] [Otherwise Giving] False Information on an Interactive Sports License Application. Felony.
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- *237.56 Engaging in Pari-Mutuel Wagering Under the Age of 21. Misdemeanor.
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NORTH CAROLINA PATTERN JURY INSTRUCTIONS FOR CRIMINAL CASES: Dates the instructions were adopted are found in parentheses after the title of the instruction.

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* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

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206.17	Solicitation to Commit Murder. G.S. 14-2.6. (6/2022)	E	C
206.17A	Attempted First Degree Murder (Where a Deadly Weapon Is Used) Including Self-Defense. Felony. (6/2023)		B1

206.18	Conspiracy to Commit Murder. G.S. 14-2.4(a). (2/2001)		
206.20	First Degree Murder by Torture. G.S. 14-17. (6/2014)	A	A
206.22	First Degree Murder Involving Domestic Violence, Covering All Lesser Included Homicide Offenses and Self Defense. (6/2022)		A, B1, D, F
206.24	First Degree Murder Involving Domestic Violence, Covering Lesser Included Homicide Offenses Not Involving Self Defense. (6/2018)		
206.30	Second Degree Murder Where a Deadly Weapon Is Used, Covering All Lesser Included Homicide Offenses and Self-Defense. G.S. 14-17, 14-18, 14-51.2, 14-51.3, 14-51.4. (6/2022)	C, F, H	B1, D, F*
206.30A	Second Degree Murder Where a Deadly Weapon Is Used, Not Including Self-Defense, Covering All Lesser Included Homicide Offenses. G.S. 14-17, 14-18. (6/2014)	C, F, H	B2, E, F*
206.31	Second Degree Murder Where No Deadly Weapon Is Used, Covering All Lesser Included Homicide Offenses and Self-Defense. G.S. 14-17, 14-18. (6/2022)	C, F, H	B1, D, F*
206.31A	Second Degree Murder Where No Deadly Weapon Is Used, Not Involving Self-Defense, Covering All Lesser Included Homicide Offenses. G.S. 14-17, 14-18. (6/2014)	C, F, H	B2, E, F*
206.31B	Second Degree Murder, Caused by Controlled Substance. G.S. 14-17. (2/2024)	C	B2
206.32	Second Degree Murder by Vehicle, Including Involuntary Manslaughter and Misdemeanor Death by Vehicle. (Impaired Driving). G.S. 14-17, 14-18, 20-139.1, 20-141.4. (6/2014)	C, H, Misd	B2, F, Misd 1
206.32A	Second Degree Murder by Vehicle, Including Involuntary Manslaughter and Misdemeanor Death by Vehicle. (Not Involving Impaired Driving). G.S. 14-17, 14-18, 20-139.1, 20-141.4. (6/2019)	C, H, Misd	B2, F, Misd 1
206.35	Second Degree Murder (Child Beating) Covering Involuntary Manslaughter as a Lesser Included Offense. G.S. 14-17, 14-18, 14-318.2, -318.4. (6/2014)	C, H	B2, F
206.40	Voluntary Manslaughter Including Self-Defense (In the Heat of Passion or Imperfect Self-Defense), Also Including Involuntary Manslaughter. G.S. 14-18, 14-51.2, 14-51.3, 14-51.4. (6/2022)	F, H	D, F*
206.41	Voluntary Manslaughter Not Involving Self-Defense, also including Involuntary Manslaughter. G.S. 14-18. (6/2014)	F, H	E, F*
206.50	Involuntary Manslaughter—Other Than by Automobile. G.S. 14-18. (6/2023)	H	F
206.55	Involuntary Manslaughter—(Including Misdemeanor Death by Vehicle). G.S. 14-28, 20-141.4. (6/2014)	H, Misd	F, Misd 1
206.55A	Involuntary Manslaughter—(Impaired Driving). (Offenses after Dec. 1, 2006). G.S. 20-141.4. (6/2022)	H	F
206.56	Involuntary Manslaughter—(Impaired Driving). (Offenses prior to Dec. 1, 2006). G.S. 20-141.4. (6/2014)	H	F
206.57	Felony Death by Vehicle (offenses prior to Dec. 1, 2006). G.S. 20-141.4(a1). (6/2014)	I	G

* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

206.57A	Felony Death by Vehicle (offenses after Dec. 1, 2006). G.S. 20-141.4(a1). (6/2022)	I	D
206.57B	Aggravated Felony Death by Vehicle. G.S. 20-141.4(a5). (6/2022)		D
206.57C	Felony Serious Injury by Vehicle. G.S. 20-141.4(a3). (6/2022)		F
206.57D	Aggravated Felony Serious Injury by Vehicle. G.S. 20-141.4(a4). (6/2022)		E
206.58	Misdemeanor Death by Vehicle. G.S. 20-141.4(a2). (6/2014)	Misd	Misd 1
206.60	Murder of Unborn Child—Willful and Malicious Act. (6/2012)		A
206.61	Murder of Unborn Child—Inherently Dangerous Act. (6/2014)		B2
206.62	Murder of Unborn Child—[Murder] [Voluntary Manslaughter] [Involuntary Manslaughter] of Mother. (6/2012)		B2, D, F
206.63	Murder of Unborn Child—Willful and Malicious Act. G.S. 14-23.2(a)(1). (6/2014)		A
206.70	Death By Distribution Through Unlawful Sale of Certain Controlled Substances—Lesser Included Offense. G.S. 14-18.4(b). (3/2024)		B2
206.72	Aggravated Death By Distribution Through Unlawful Sale of Certain Controlled Substances. G.S. 14-18.4(c). (3/2024)		B1
206.74	Death by Distribution Through Unlawful Delivery of Certain Controlled Substances. G.S. 14-18.4(a)(1). (3/2024)		C
206.76	Death by Distribution Through Unlawful Delivery with Malice of Certain Controlled Substances. G.S. 14-18.4(a2). (3/2024)		B2
	Rape and Sexual Offenses.		
207.00	Series Statutory Revisions Chart for Session Laws in 2015, 2017, 2018, 2019. (6/2020)		
207.10	First Degree Rape (Weapon, Serious Injury, or Multiple Assailants) and Lesser Included Offenses. G.S. 14-27.2, 14-27.3, 14-27.8. (6/2020)	B, D, F, H, Misd	B1, C, F, H, Misd 1
207.10A	First Degree Forcible Rape (Weapon, Serious Injury, or Multiple Assailants) and Lesser Included Offenses. G.S. 14-27.21, 14-27.22. (Offenses on or After Dec. 1, 2015). (6/2020)		B1, B2, C, D, Misd
207.10B	First Degree Forcible Rape (Weapon, Serious Injury, or Multiple Assailants) and Lesser Included Offenses. G.S. 14-27.21, 14-27.22. (Offenses on or After Dec. 1, 2017). (6/2020)		B1, B2, C, D, Misd
207.11	Attempted First Degree Rape (Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Rape as a Lesser Included Offense. G.S. 14-27.2(2), 14-27.3(1), 14-27.8. (6/2020)		
207.11A	Attempted First Degree Rape (Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Rape as a Lesser Included Offense. G.S. 14-27.21, 14-27.22, 14-27.34. (6/2020)	F, H	F, H
207.11B	Attempted First Degree Forcible Rape (Weapon, Serious Injury or Multiple Assailants) Covering Attempted Second- Degree Rape as a Lesser Included Offense. (Offenses on or after Dec. 1, 2017). (6/2020)		B1, C
207.15	Rape of a Child. G.S. 14-27.2A. (6/2016)		B1

207.15A	Statutory Rape of a Child by an Adult G.S. 14-27.23. (6/2016)		
207.15A.1	Attempted First Degree Rape—Alleged Victim Under the Age of Thirteen Years. G.S. 14-27.2(a)(1), 14-27.8 (6/2016).	F	F
207.15A.1A	Attempted First Degree Statutory Rape—Alleged Victim Under the Age of Thirteen Years. G.S. 14-27.24(a)(1), 14-27.34. (6/2016)		
207.15.1	First Degree Rape—Female under the Age of Thirteen Years. G.S. 14-27.2(1). (6/2016)	B	B1
207.15.1A	First Degree Statutory Rape—Alleged Victim Under the Age of Thirteen Years. (6/2016)		
207.15.2	Statutory Rape Against a Victim Who Was Thirteen, Fourteen, or Fifteen Years Old. G.S. 14-27.7A. (6/2016)		B1, C
207.15.2A	Statutory Rape Against an Alleged Victim Who Was Fifteen Years of Age or Younger. G.S. 14-27.25. (6/2016)		
207.15.3	Statutory Sexual Offense against a Victim Who Was Thirteen, Fourteen, or Fifteen Years Old. G.S. 14-27.7A. (6/2016)		
207.15.3A	Statutory Sexual Offense of an Alleged Victim Who Was Fifteen Years of Age or Younger. G.S. 14-27.30. (6/2016)		B1, C
207.20	Second Degree Rape—Force. G.S. 14-27.3. (6/2020)	D	C
207.20A	Second Degree Rape—Force (Alleged Victim Asleep or Similarly Incapacitated). G.S. 14-27.3. (6/2020)		
207.20A.1	Second Degree Rape—Forcible (Alleged Victim Asleep or Similarly Incapacitated). G.S. 14-27.22. (6/2020)		
207.20B	Second Degree Forcible Rape. G.S. 14-27.22 (6/2020)		
207.25	Second Degree Rape—Alleged Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.3. (6/2020)	D	C
207.25A	Second Degree Rape—Alleged Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.3. (6/2020)		
207.40	First Degree Sexual Offense—Weapon, Serious Injury, or Multiple Assailants, Covering Second Degree Sex Offense as a Lesser Included Offense. G.S. 14-27.4, 14-27.5. (6/2020)	B, D	B1, C
207.40A	Attempted First Degree Sexual Offense (Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Sex Offense as a Lesser Included Offense. G.S. 14-27.4(2), 14-27.5(2), 14-27.8. (6/2020)	F, H	F, H
207.40A.1	Attempted First Degree Forcible Sexual Offense—(Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Forcible Sex Offense as a Lesser Included Offense. G.S. 14-27.26, 14-27.27, 14-27.34. (6/2020)		
207.40B	First Degree Forcible Sexual Offense—(Weapon, Serious Injury, or Multiple Assailants) Covering Second Degree Sex Offense as a Lesser Included Offense. G.S. 14-27.26, 14-27.27. (Offenses on or After Dec. 1, 2015). (6/2020)		
207.40C	First Degree Forcible Sexual Offense—(Weapon, Serious Injury, or Multiple Assailants) Covering Second Degree Sex Offense as a Lesser Included Offense. G.S. 14-27.26, 14-27.27. (Offenses on or After Dec. 1, 2017). (6/2020)		
207.45	Sexual Offense with a Child. G.S. 14-27.4A. (6/2016)		B1
207.45.1	First Degree Sexual Offense—Child under the Age of Thirteen Years. G.S. 14-27.4. (6/2016)	B	B1

		<u>Offense Classification</u>	
		Before	On or After
		10/1/94	10/1/94
207.45.1A	First Degree Statutory Sexual Offense—Child under the Age of Thirteen Years. G.S. 14-27.29. (6/2016)		
207.45A	Statutory Sexual Offense with a Child by an Adult. G.S. 14-27.28 (6/2016)		
207.45A.1	Attempted First Degree Sexual Offense—Child under the Age of Thirteen Years. G.S. 14-27.4, 14-27.8. (6/2016)	F	F
207.45A.1A	Attempted First Degree Statutory Sexual Offense—Child Under the Age of Thirteen Years. G.S. 14-27.29, 14-27.34. (6/2016)		
207.60	Second Degree Sexual Offense—Force. G.S. 14-27.5. (6/2020)	D	C
207.60A	Second Degree Forcible Sexual Offense. G.S. 14-27.27. (6/2020)		
207.65	Second Degree Sexual Offense—Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.27. (Offenses Prior to Dec. 1, 2015). (6/2020)	D	C
207.65A	Second Degree Forcible Sexual Offense—Alleged Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.27. (Offenses On or After Dec. 1, 2015). (6/2020)	D	C
207.70	Felonious Sexual Activity with a Person in Defendant’s Custody. G.S. 14-27.31. (6/2016)	G	E
207.70A	Felonious Sexual Activity with a Person in Defendant’s Custody. G.S. 14-27.31. (6/2016)		
207.71	DELETE SHEET. Unlawfully Accessing a Commercial Social Networking Website by a Sex Offender. G.S. 14-202.5A. (6/2018)		I
207.71A	Unlawful Online Conduct By a High-Risk Sex Offender That Endangers Children. (6/2020)		I
207.72	Sex Offender Unlawfully on Certain Premises. G.S. 14-208.18(a). (6/2017)		H
207.73	Failure to Enroll in a Satellite-Based Monitoring Program. G.S. 14-208.44(a). (6/2008)		F
207.74	Failing to [Provide Necessary Information to] [Cooperate with Guidelines and Regulations of] the Department of Corrections While Required to Enroll in a Satellite-Based Monitoring Program. G.S. 14-208.44(c). (6/2008)		Misd 1
207.75	Willfully Failing to Comply with Sex Offender Registration Law. G.S. 14-208.11, 14.208-9. (6/2022)	-	F
207.76	Failure to Comply with Sex Offender Residential Restrictions. G.S. 14-208.16. (6/2022)	-	F
207.77	Failure to Comply with Sex Offender Limitations on Residential Use—Minor in Residence. G.S. 14-208.17(b). (6/2007)	-	F
207.78	Intentionally [Tampering with] [Removing] [Vandalizing] [Interfering with the Proper Functioning of] a Satellite-Based Monitoring Device. G.S. 14-208.44(a). (6/2008)	-	F
207.79	Failure to Comply with Sex Offender Prohibition on Working or Volunteering for Child-Involved Activities. G.S. 14-208.17(a). (6/2007)	-	F
207.80A	Felonious Sexual Activity Involving Students (by Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-27.7. (6/2016)	-	G

		<u>Offense Classification</u>	Before	On or After
			10/1/94	10/1/94
207.80A.1	Felonious Sexual Activity With a Student (by Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-27.32. (1/2024)			G
207.80B	Felonious Sexual Activity Involving Students (by Member of School Personnel Other Than Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-27.7(b). (6/2016)	-		G, Misd A1
207.80B.1	Felonious Sexual Activity With a Student (by Member of School Personnel other than Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-27.32. (1/2024)			G, I
207.81	Failure to Report Misconduct of a Licensed School Employee. G.S. 115c-336.20(b). (2/2024)			I
207.90	Sexual Battery. G.S. 14-27.5A. (Offenses Prior to Dec. 1, 2015) (6/2020)			Misd A1
207.90A	Sexual Battery. G.S. 14-27.33 (Offenses Occurring on or After Dec. 1, 2015) (6/2020)			Misd A1
207.95	Knowingly and Without Authority [Removing] [Destroying] [Circumventing Operation of] an Electronic Monitoring Device. G.S. 14-226.3 (June 2010)			
207.97	Sexual [Contact] [Penetration] Under Pretext of Medical Treatment—Representations. (6/2020)			C
207.98	Engaging In Sexual [Contact] [Penetration] Under Pretext of Medical Treatment—Incapacitated Patient. (6/2020)			C
	Assaults.			
208.01	Assault on [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(a). (6/2011)	H		I
208.01A	Making a Violent Attack upon the [Residence] [Office] [Temporary Accommodation] [Means of Transport] of a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(a). (4/2004)	H		I
208.02	Assault on a(n) [Legislative] [Executive] [Court] Officer with a Deadly Weapon. G.S. 14-16.6(a), (b). (4/2004)	G		F
208.02A	Making a Violent Attack with a Deadly Weapon upon the [Residence] [Office] [Temporary Accommodation] [Means of Transport] of a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(a), (b). (4/2004)	G		F
208.03	Assault on a(n) [Legislative] [Executive] [Court] Officer Inflicting Serious Injury. G.S. 14-16.6(c). (4/2004)	F		F
208.03A	Making a Violent Attack upon the [Residence] [Office] [Temporary Accommodation] [Means of Transport] of a(n) [Legislative] [Executive] [Court] Officer Inflicting Serious Injury to a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(c). (4/2004)	F		F
208.04	Threatening to Kill or Inflict Serious Bodily Injury upon a [Legislative] [Executive] [Court] Officer. G.S. 14-16.7(a), 14-16.8. (6/2022)	J		I
208.04A	Mailing a Threat to Kill or Inflict Serious Bodily Injury upon a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.7(a), 14-16.8. (6/2022)	J		I
208.04B	Threatening to Kill or Inflict Serious Bodily Injury Upon a Person as Retaliation Against a [Legislative] [Executive] [Court] Officer. Felony. G.S. 14-16.7(a). (6/2022)			I

		Before 10/1/94	On or After 10/1/94
208.04C	Mailing a Threat to Kill or Inflict Serious Bodily Injury Upon a Person as Retaliation Against a [Legislative] [Executive] [Court] Officer. Felony. G.S. 14-16.7(b) (6/2022)		I
208.05	Malicious Castration. G.S. 14-28, -29. (3/2002)	D, H	C, E
208.06	Castration or Other Maiming without Malice Aforethought. G.S. 14-29. (3/2002)	H	E
208.07	Malicious Maiming. G.S. 14-30. (3/2002)	H	C
208.08	Malicious Throwing of Corrosive Acid or Alkali. G.S. 14-30.1. (3/2002)	H	E
208.09	Malicious Assault and Battery in a Secret Manner with a Deadly Weapon with Intent to Kill. G.S. 14-31. (3/2002)	F	E
208.10	Assault with a Deadly Weapon with Intent to Kill Inflicting Serious Injury. G.S. 14-32(a). (3/2002)	F	C
208.13	Hazing. G.S. 14-35. (4/2004)		Misd 2
208.14	Assault upon a Sports Official. G.S. 14-33(b)(9). (6/2011)	Misd	Misd 1
208.15	Assault with a Deadly Weapon Inflicting Serious Injury. G.S. 14-32(b). (6/2008)	H	E
208.16	Felonious Assault Inflicting Serious Bodily Injury. G.S. 14-32.4. (3/2002)		F
208.25	Assault with a Deadly Weapon with Intent to Kill. G.S. 14-32(c). (3/2002)	H	E
208.30	Assault Offense Classification Chart. (12/1995)		
208.40	Simple Assault—(Not Involving Physical Contact) G.S. 14-33(a). (6/2011)	Misd	Misd 2
208.40A	Simple Assault on an Individual with a Disability. G.S. 14-32.1(f). (6/2019)	Misd	Misd 1
208.41	Simple Assault—(Involving Physical Contact) G.S. 14-33(a). (6/2010)	Misd	Misd 2
208.43	Simple Affray. G.S. 14-33. (6/2017)		Misd 2
208.45	Habitual Misdemeanor Assault. G.S. 14-33.2. (6/2011)		H
208.45A	Habitual Misdemeanor Assault. G.S. 14-33.2. (6/2017)		H
208.45A.1	Habitual Misdemeanor Assault. G.S. 14-33.2. (6/2017)		H
208.50	Assault with a Deadly Weapon. G.S. 14-33(c)(1). (3/2002)	Misd	Misd 1
208.50A	Aggravated Assault on an Individual with a Disability. G.S. 14-32.1(e). (6/2019)	I	F
208.55	Assault Attempting to Inflict Serious Injury. G.S. 14-33(c)(1). (3/2002)	Misd	Misd 1
208.60	Assault Inflicting Serious Injury. G.S. 14-33(c)(1). (6/2020)	Misd	Misd A1
208.61	Assault Inflicting Physical Injury by Strangulation. Felony. G.S. 14-32.4. (6/2023)		H
208.65	Assault by a Prisoner with a Deadly Weapon Inflicting Bodily Injury. G.S. 14-258.2. (3/2002)	H	F
208.67	Malicious Conduct by a Prisoner—Throwing of [Bodily Fluids] [Excrement] [Unknown Substance] by a Prisoner at a [State] [Local Government] Employee in the Performance of Employee's Duties. G.S. 14-258.4. (6/2019)		F
208.68	Malicious Conduct by a Prisoner—Exposing Genitalia by a Prisoner to an Employee of [State] [Local Government] in the Performance of Employee's Duties. G.S. 14-258.4 (6/2019)		I
208.70	Assault on a Female by a Male Person. G.S. 14-33(c)(2). (4/2024)	Misd	Misd A1
208.72	Assault by [Inflicting Serious Injury] [Using a Deadly Weapon] in the Presence of a Minor G.S. 14-33(d). (6/2017)		Misd A1

		Before 10/1/94	On or After 10/1/94
208.75	Assault on a Child under the Age of Twelve Years. G.S. 14-33(c)(3). (6/2011)	Misd	Misd A1
208.76	Assault on an Unborn Child. (6/2012)		Misd A1
208.77	Assault Inflicting Serious Bodily Injury—Unborn Child. (6/2012)		F
208.78	Assault on a Pregnant Woman. G.S. 14.33(c)(2a). Misdemeanor. (2/2024)		Misd A1
208.79	Misdemeanor Crime of Domestic Violence. G.S. 14-32.5(a). (4/2024)		Misd A1
208.80 Series—Notes to 208.80, 208.80A, 208.80B, 208.80C			
208.80	Index to Instructions in 208.81 Series. Assault on an Officer—Arrest Situations. G.S. 14-33(c)(4); 15A-401. (6/2015)		
208.81	Model Instruction—Assault on a Law Enforcement Officer—Arrest Situations. G.S. 15A-401. (6/2015)		
208.81A	Assault on an Officer—Arrest Situations (Only Officer’s and Defendant’s Force in Dispute). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81B	Assault on an Officer and Simple Assault—Arrest Situations (Issues as to Lawfulness of Arrest and Defendant’s Force). G.S. 14-33(c)(4); 15A-401, 15A-402. (6/2015)	Misd	Misd A1
208.81C	Assault on an Officer and Simple Assault—Arrest Situations (Issues as to Lawfulness of Arrest without a Warrant, and as to Force Used by Officer and Defendant). G.S.14-33(c)(4). (6/2015)	Misd	Misd A1
208.81D	Simple Assault—Arrest Situations (Issue as to Force Used by Defendant to Resist Unlawful Arrest). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81E	Assault on an Officer—Arrest Situations (Issues as to Officer Status of Victim, Fact of Arrest, and Lawfulness of Arrest—Neither Officer’s Nor Defendant’s Force in Dispute). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81F	Assault on an Officer and Simple Assault—Arrest Situations (All Issues in Dispute). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81G	Assault on [[Law Enforcement] [Probation] [Parole] Officer] [Person Employed at a [State] [Local] Detention Facility]. G.S. 14-34.7. (6/2013)		F
208.82	Assault upon an Officer or Employee of the State or of Any Political Subdivision of the State or Public Transit Operator. G.S. 14-33(c)(4). (6/2011)	Misd	Misd A1
208.83	Assault upon a School Employee or Volunteer. G.S. 14-33(c)(6). (6/2011)	-	Misd A1
208.84	Ethnic Intimidation. G.S. 14-401.14. (4/2002)	Misd	Misd 1
208.85	Assault by Pointing a Gun. G.S. 14-34. (4/2002)	Misd	Misd A1
208.90	Discharging a Firearm into Occupied Property. G.S. 14-34.1. (6/2020)	H	E
208.90A	Discharging Barreled Weapon into Occupied Property. G.S. 14-34.1. (6/2011)	H	E
208.90B	[Discharging] [Attempting to Discharge] a Firearm Within an Occupied Building or Other Enclosure With Intent to Incite Fear. G.S. 14-34.10. (6/2018)		F
208.90C	Discharging a Barreled Weapon into an Occupied Dwelling. G.S. 14-34.1. (6/2016)		D

208.90D	Discharging a Firearm into Occupied Vehicle in Operation. G.S. 14-34.1(b). (6/2021)		D
208.90E	Discharging a Barreled Weapon into Occupied Vehicle in Operation. G.S. 14-34.1(b). (6/2011)		D
208.90F	Discharging a Firearm into Occupied Property Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.90G	Discharging a Barreled Weapon into Occupied Property Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.90H	Discharging a Firearm into Occupied Dwelling Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.90I	Discharging a Barreled Weapon into Occupied Dwelling Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.90J	Discharging a Firearm into Occupied Vehicle in Operation Inflicting Serious Bodily Injury. G.S. 14-34(c). (6/2011)		C
208.90K	Discharging a Barreled Weapon into Occupied Vehicle in Operation Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.93	Pointing a Laser Device at Law Enforcement, Military, or Emergency Personnel. G.S. 14-34.8(b)(1). (12/2023)		I
208.93A	Pointing a Laser Device at a [Law Enforcement Agency Animal] [Search and Rescue Animal]. G.S. 14-34.8(b)(3). Misdemeanor. (12/2023)		Misd A1
208.94	Assault Inflicting Serious Bodily Injury on a [[Law Enforcement] [Probation] [Parole] Officer] [Member of the North Carolina National Guard] [Person Employed at a [State] [Local] Detention Facility]. G.S. 14-34.7(b). (6/2017)		F
208.95	Assault with a Firearm on a Law Enforcement, Probation, or Parole Officer or on a Person Employed at a State or Local Detention Facility. G.S. 14-34.5. (11/1998)	I	E, G
208.95A	Assault with a Firearm or Other Deadly Weapon Upon Emergency Medical Services Personnel. G.S. 14-34.6. (1/2024)	I	I, F
208.95B	Assault with a Firearm or Other Deadly Weapon Upon an Officer or Employee of the State or of any Political Subdivision of the State, Company Police Officer, or Campus Police Officer. G.S. 14-34.2. (12/2023)	I	F
208.95C	Assault on [[Law Enforcement] [Probation] [Parole] Officer]] [Member of the North Carolina National Guard] [Person Employed at a [State] [Local] Detention Facility]—Physical Injury. G.S. 14-34.7(c). (6/2017)		I
208.95D	Assault on [Firefighter] [Emergency Medical Technician] [Emergency Health Care Provider] [Medical Responder] [Emergency Department Personnel] [Licensed Health Provider]. (6/2018)		I
208.95E	[Serious Bodily Injury Inflicted] [Deadly Weapon Used Other Than a Firearm] in Assault on [Firefighter] [Emergency Medical Technician] [Emergency Health Care Provider] [Medical Responder] [Emergency Department Personnel]. (6/2012)		H
208.95F	Assault on Emergency Personnel—Dangerous [Weapon] [Substance]. (9/2023)		I, F
208.95G	Assault on Emergency Personnel. (9/2023)		
208.95H	Assault on an Emergency Worker with a Deadly Weapon Inflicting Serious Injury. G.S. 14-32(d). (2/2024)		D

208.95I	Assault on Emergency Personnel—Serious Bodily Injury. G.S. 143-298.9(e). (9/2023)		E
208.95J	Assault on an Emergency Worker with a Deadly Weapon with Intent to Kill. G.S. 14-32(e). (2/2024)		D
208.95K	Assault on Emergency Personnel—Causing Death. G.S. 14-288.9(f). (9/2023)		D
208.96A	Adulteration or Misbranding of Food, Drugs or Cosmetics with Intent to Inflict Serious Injury or Death. G.S. 14-34.4(a). (4/2002)	C	C
208.96B	Extortion by Adulteration or Misbranding of Food, Drugs, or Cosmetics. G.S. 14-34.4(b). (4/2002)	C	C
	Kidnapping.		
210.15	False Imprisonment. (4/2002)	Misd	Misd 1
210.20	First Degree Kidnapping (Hostage, Ransom, Shield, or Terror) Covering Second Degree Kidnapping as a Lesser Included Offense. G.S. 14-39. (6/2011)	D, E	C, E
210.25	First Degree Kidnapping to Commit [Felony] [Serious Injury] Covering Second Degree Kidnapping as a Lesser Included Offense. G.S. 14-39. (6/2023)	D, E	C, E
210.26	First Degree Kidnapping (Involuntary Servitude) Covering Second Degree Kidnapping as a Lesser Included Offense. G.S. 14-39; 14-43.2. (3/2005)	D, E	C, E
210.30	Second Degree Kidnapping (Hostage, Ransom, Shield, or Terror). G.S. 14-39. (6/2017)	E	E
210.35	Second Degree Kidnapping (to Commit Felony or Serious Injury). G.S. 14-39. (6/2017)	E	E
210.36	Second Degree Kidnapping (Involuntary Servitude). G.S. 14-39; 14-43.2. (4/2002)	E	E
210.40	Felonious Restraint. G.S. 14-43.3. (6/2011)	J	F
210.50	Involuntary Servitude (offenses prior to Dec. 1, 2006). G.S. 14-43.2. (6/2011)	I	F
210.50A	Involuntary Servitude. G.S. 14-43.12. (6/2019)	I	F
210.52	Involuntary Servitude of a Minor. G.S. 14-43.12. (6/2019)		C
210.60	Child Abduction. G.S. 14-41. (6/2011)	G	F
210.70	Sexual Servitude. G.S. 14-43.13. (12/2023)		F
210.72	Sexual Servitude of a Minor. G.S. 14-43.13. (12/2023)		C
210.80	Human Trafficking Involving Involuntary Servitude. G.S. 14-43.11. (12/2023)		F
210.82	Human Trafficking Involving Sexual Servitude. G.S. 14-43.11. (12/2023)		F
210.84	Human Trafficking of a Minor Involving Involuntary Servitude. G.S. 14-43.11. (6/2019)		C
210.86	Human Trafficking of a Minor Involving Sexual Servitude. G.S. 14-43.11. (12/2023)		C
210.88	Unlawful [Sale] [Surrender] [Purchase] of a Minor. G.S. 14-43.14. (6/2019)		F
210.89	Promoting Travel For Unlawful Sexual Conduct. (6/2020)		G
210.90	Unlawful Transfer of Custody of a Minor Child by a Parent. G.S. 14-321.2(a)(1). (6/2017)		Misd 2
210.91	Unlawful Transfer of Custody of a Minor Child by a Parent Resulting in Serious Physical Injury to the Child. G.S. 14-321.2(a)(1). (6/2017)		G

210.92	Unlawful Acceptance of Custody of a Minor Child from a Parent. G.S. 14-321.2(a)(2). (6/2017)		Misd 2
210.93	Unlawful Acceptance of Custody of a Minor Child from a Parent Resulting in Serious Physical Injury to the Child. G.S. 14-321.2(a)(2). (6/2017)		G
210.94	Unlawful [Advertising] [Recruiting] [Soliciting] [Aiding] [Abetting] [Conspiring] [Assisting] in the Unlawful Transfer of Custody of a Minor Child. G.S. 14-321.2(a)(3). (6/2017)		Misd 2
210.95	Unlawful [Advertising] [Recruiting] [Soliciting] [Aiding] [Abetting] [Conspiring] [Assisting] in the Unlawful Transfer of Custody of a Minor Child Resulting in Serious Physical Injury to the Child. G.S. 14-321.2(a)(3). (6/2017)		G
210.96	Knowingly Mutilating the Female Genitals of a Child Less Than 18 Years of Age. (6/2020)		C
210.97	[Consenting to] [Permitting] the Mutilation of the Female Genitals of a Child Less Than 18 Years of Age. (6/2020)		C
210.98	Knowingly [Removing] [Permitting the Removal of] a Child Less Than 18 Years of Age from the State for the Purpose of Mutilating the Child's Female Genitals. (6/2020)		C
Abortion and Similar Offenses.			
211.50	Concealing Birth of a Child. G.S. 14-46. (5/2002)	H	H
211.60	Unlawful Sale of the Remains of an Unborn Child from [Abortion] [Miscarriage]. G.S. 14-46.1 (6/2016)		
Libel and Slander.			
212.10	Communicating Libelous Matter to Newspapers. G.S. 14-47. (5/2002)	Misd	Misd 2
Use of Explosives or Incendiary Devices.			
213.10	Malicious Use of Explosive or Incendiary Device—Personal Injury. G.S. 14-49(a). (5/2002)	E	D
213.15	Malicious Use of Explosive or Incendiary Device—Property Damage. G.S. 14-49(b). (5/2002)	E	G
213.20	Malicious Damage of Occupied Property by Use of Explosive or Incendiary [Device] [Material]. G.S. 14-49.1. (11/2003)	C	D
213.25	Maliciously Damaging Church or Other Building of Worship by Use of an Explosive or Incendiary Device. G.S. 14-49(b1). (1/2004)		E
213.30	Maliciously Damaging State or Local Government Buildings by Use of an Explosive or Incendiary Device. G.S. 14/49(b2). (1/2004)		E
Burglary and Breaking and Entering.			
214.10	First Degree Burglary Covering Second Degree Burglary, Felonious Breaking or Entering and Nonfelonious Breaking or Entering as Lesser Included Offenses. G.S. 14-51, -52, -54. (6/2011)	C, D, H, Misd	D, G, H, Misd 1
214.11	Second Degree Burglary. G.S. 14-51, -52. (6/2011)	D	G
214.20	Habitual Breaking or Entering. (6/2018)		E
214.30	Felonious Breaking or Entering. G.S. 14-54. (5/2002)	H, Misd	H, Misd 1
214.31	First-Degree Trespass. G.S. 14-159.12. (5/2019)	Misd	Misd 2
214.31A	Second-Degree Trespass. G.S. 14-159.13. (10/2023)	Misd	Misd 3

		Before 10/1/94	On or After 10/1/94
214.31B	First-Degree Trespass. G.S. 14-159.12(f). (6/2017)		I
214.32	Felonious Breaking or Entering. G.S. 14-54. Felonious Larceny—Pursuant to a Breaking or Entering or Where the Property Is Worth More Than \$1,000. G.S. 14-70, 14-72(a), (b)(2). (6/2012)		
214.34	Misdemeanor Breaking or Entering. G.S. 14-54. (5/2002)	H, Misd Misd	H, Misd 1 Misd 1
214.35	Possession without Lawful Excuse of an Implement of Housebreaking. G.S. 14-55. (6/2011)	E	I
214.40	Breaking or Entering into Motor Vehicle. G.S. 14-56. (5/2024)	I	I
214.40A	Breaking or Entering into a Motor Vehicle with the Intent to Commit a Felony Therein. G.S. 14-56(a). (5/2024)		I
214.40B	Breaking or Entering Into a Motor Vehicle and Larceny of Goods Exceeding [\$1,500 But No More Than \$20,000] [\$20,000 But No More Than \$50,000] [\$50,000 But No More Than \$100,000] [\$100,000]. G.S. 14-56(a2). (5/2024)		C,F,G,H,I
214.41	Preparation to Commit Breaking or Entering into Motor Vehicles—Possession of a Motor Vehicle [Master Key] [Manipulative Key] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(b). (6/2006)		Misd 1
214.42	Preparation to Commit Breaking or Entering into Motor Vehicles—Possession of a Motor Vehicle [Master Key] [Manipulative Key] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(b). (6/2006)		I, Misd 1
214.43	Preparation to Commit Breaking or Entering into Motor Vehicles—[Buying] [Selling] [Transferring] a Motor Vehicle [Master Key] [Manipulative Key] [Key Cutting Device] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(c). (6/2006)		Misd 1
214.44	Preparation to Commit Breaking or Entering into Motor Vehicles—[Buying] [Selling] [Transferring] a Motor Vehicle [Master Key] [Manipulative Key] [Key Cutting Device] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(c). (6/2006)		I, Misd 1
214.45	Felonious Breaking or Entering—Place of Religious Worship. G.S. 14-54.1. (6/2006)		G
214.46	Breaking or Entering into a Motor Vehicle [Owned] [Operated] by [Law Enforcement Agency] [North Carolina National Guard] [Branch of the Armed Forces of the United States] with the Intent to Commit a Felony or Larceny Therein. (5/2024)		H
214.47	Felonious Breaking or Entering—Intent to [Injure] [Terrorize] Occupant. G.S. 14-54. (6/2014)		H
214.50	(Misdemeanor) Opening Coin- or Currency-Operated Machines by Unauthorized Use of [a Key] [an Instrument]. G.S. 14-56.1. (5/2002)	Misd	Misd 1
214.51	Opening Coin- or Currency-Operated Machines by Unauthorized Use of [a Key] [an Instrument]. G.S. 14-56.1. (5/2002)	H, Misd	H, Misd 1
214.55	(Misdemeanor) Breaking into Coin- or Currency-Operated Machines. G.S. 14-56.1, -56.3. (5/2002)	Misd	Misd 1
214.56	Breaking into Coin- or Currency-Operated Machines. G.S. 14-56.1, -56.3. (5/2002)	H, Misd	H, Misd 1
214.60	Destroying or Damaging Coin- or Currency-Operated Machines. G.S. 14-56.2. (5/2002)	Misd	Misd 1

		<u>Offense Classification</u>	
		Before	On or
		10/1/94	After
			10/1/94
214.65	Burglary with Explosives or Acetylene Torch. G.S. 14-57. (5/2002)	E, H, Misd	D, H, Misd 1
214.70	Breaking or Entering of a Pharmacy with the Intent to Commit Larceny of a Controlled Substance. (6/2020)		E
215.11	Arson and Other Burnings. First Degree Arson (Including Second Degree Arson, Burning an Uninhabited House). G.S. 14-58, -62. (5/2002)	C, D, E	D, G, F
215.11A	First Degree Arson, Burning a Structure within the Curtilage of the Dwelling House (Including Second Degree Arson, Burning an Uninhabited House). G.S. 14-58, -62. (3/2005)	C, D, E	D, G, F
215.12	Second Degree Arson. G.S. 14-58. (5/2002)	D	G
215.25	Wanton and Willful Burning—Property. Felonies (Delete Sheet). (6/2023)	E	D-H
215.30	Wanton and Willful Burning of a [Boat] [Barge] [Ferry] [Float]. G.S. 14-63. (6/2023)	H	H
215.31	Burning of Jails or Prisons. Felony. (6/2023)		
215.32	Burning of Certain Bridges and Buildings. Felony. (6/2023)		
215.33	Burning of [an Uninhabited House] [a Stable] [a Coach House] [an Outhouse]. Felony. (6/2023)		
215.34	Burning of a Building or Structure in the Process of Construction. Felony. (6/2023)		
215.35	Wanton and Willful Burning of a [Ginhouse] [Tobacco House] [Any Part of a Ginhouse or Tobacco House]. Felony. (6/2023)	H	H
215.36	Burning of a Church or Other Religious Building. Felony. (6/2023)		
215.37	Burning of an Occupied Commercial Structure. Felony. (6/2023)		
215.38	Burning of an Unoccupied Commercial Structure. Felony. (6/2023)		
215.40	Wanton and Willful or Fraudulent Burning of a Dwelling House by the Owner or Occupant. G.S. 14-65. (6/2023)	H	H
215.41	Burning of a [Mobile Home] [Manufactured-Type House] [Recreational Trailer Home]. Felony. (6/2023)		
215.42	Burning of Certain Public Areas. Felony. (6/2023)		
215.43	Burning of Schoolhouses or Buildings of Educational Institutions. Felony. (6/2023)		
215.45	Burning Personal Property with Intent to Injure or Prejudice. G.S. 14-66. (6/2023)	H	H
215.50	Arson or Other Unlawful Burning Resulting in Serious Bodily Injury to a Firefighter, Law Enforcement Officer, Fire Investigator, or Emergency Medical Technician. G.S. 14-69.3. (6/2023)		E
215.51	Arson or Other Unlawful Burning Resulting in Serious Injury to a Firefighter, Law Enforcement Officer, Fire Investigator, or Emergency Medical Technician. Felony. (6/2023)		
215.60	Burning Caused During Commission of Another Felony. G.S. 14-67.2 (6/2019)		D
215.85	Making a False Report Concerning a Destructive Device. (Other Than Public Building). G.S. 14-69.1(a). (6/2006)	-	H
215.85B	Making a False Report Concerning a Destructive Device—(Public Building). G.S. 14-69.1(c). (6/2006)	-	H, G
215.86	Perpetrating Hoax by Use of a False Bomb or Other Device—(Other Than Public Building). G.S. 14-69.2(a). (2/2000)	-	H

215.86B	Perpetrating Hoax by Use of a False Bomb or Other Device— (Public Building). G.S. 14-69.2(c). (2/2000)	-	H, G
215.87	Making a False Report Concerning a Threat of Mass Violence on Educational Property. G.S. 14-277.5(b). (6/2008)	H	
215.90	Communicating a Threat of Mass Violence on Educational Property. G.S. 14-277.6 (6/2019)		H
215.91	Communicating a Threat of Mass Violence at a Place of Religious Worship. G.S. 14-277.7 (6/2019)		H
	Larceny.		
216.05	Misdemeanor Larceny. G.S. 14-72(a). (5/2002)	Misd	Misd 1
216.07	Larceny of Motor Fuel Valued at Less Than \$1,000. G.S. 14-72.5(a). (6/2010)		Misd 1
216.08	Felonious Larceny—Habitual Misdemeanor Larceny. G.S. 14-72(b)(6). (6/2013).		H
216.10	Felonious Larceny—Goods Worth More Than \$1,000. G.S. 14-70, -72(a). (6/2021)	H, Misd	H, Misd 1
216.11	Felonious Larceny—[Explosive Device] [Incendiary Device]. G.S. 14-70, -72(b)(3). (2/2000)	H, Misd	H, Misd 1
216.11A	Felonious Larceny—Firearm. G.S. 14-70, -72(b)(4). (12/1999)	H, Misd	H, Misd 1
216.13	Larceny of Chose in Action. G.S. 14-75. (6/2017)		H
216.15	Felonious Larceny—by Trick. G.S. 14-70, -72. (5/2002)	H, Misd	H, Misd 1
216.20	Felonious Larceny—From the Person. G.S. 14-70, -72(b)(1). (6/2011)	H, Misd	H, Misd 1
216.30	Felonious Larceny—Pursuant to Breaking/Entering Offense. G.S. 14-70, -72(b)(2). (5/2002)	H	H
216.35	Felonious Larceny—Pursuant to Breaking or Entering Offense Where the Property Is Worth More Than \$1,000. G.S. 14-70, -72(a), (b)(2). (5/2002)	H, Misd	H, Misd 1
216.36	Larceny from a Permitted Construction Site—Goods Valued in Excess of \$300 but Less Than \$1,000. G.S. 14-72.6. (6/2006)		
216.37	Felonious Larceny—Larceny of Motor Vehicle Parts Where the Cost of Repairing the Motor Vehicle Is \$1,000 or More or a Catalytic Converter. G.S. 14-72.8 (6/2022)		I
216.38	Larceny of Law Enforcement Equipment Worth More Than \$1,000 from Certain Law Enforcement Vehicles. (6/2022)		G
216.39	Larceny of Law Enforcement Equipment from Certain Law Enforcement Vehicles Worth Less Than \$1,000. (6/2022)		H
216.40	Feloniously Receiving Stolen Goods—Goods Worth More Than \$1,000. G.S. 14-71, -72. (5/2002)	H, Misd	H, Misd 1
216.41	Feloniously Receiving Stolen Goods from a Permitted Construction Site—Goods Valued in Excess of \$300 and Less Than \$1,000. G.S. 14-72.6. (6/2006)		I
216.42	Felonious [Receiving] [Possessing] Property in the Custody of a Law Enforcement Agency. G.S. 14-71(b). (6/2009)		H
216.43	Receiving Stolen Controlled Substances—Pursuant to a Breaking or Entering of a Pharmacy. (6/2020)		F
216.45	Felonious Receiving Stolen Goods—Pursuant to a Breaking or Entering. G.S. 14-71, -72. (5/2002)	H, Misd	H, Misd 1
216.46	Misdemeanor Possession of Stolen Goods. G.S. 14-70, -71.1, -72(a). (5/2002)	Misd	Misd 1
216.47	Felonious Possession of Stolen Goods—Goods Worth More Than \$1,000. G.S. 14-70, -71.7, -72(a). (5/2002)	H, Misd	H, Misd 1

216.48	Possession of Property Stolen Pursuant to a Breaking or Entering. G.S. 14-71.1, -72(b)(1) and (2). (5/2002)	H	H
216.48A	Felonious Possession of Stolen Goods—Stolen Pursuant to a Breaking or Entering or Worth More Than \$1,000 (Including Non-Felonious Possession). G.S. 14-71.1, -72(b)(1) and (2). (6/2008)	H, Misd	H, Misd 1
216.48B	Possession of Controlled Substances—Pursuant to a Breaking or Entering of a Pharmacy. (6/2020)		F
216.49	Possession of Stolen Explosives, Public Records. G.S. 14-71.1, -72(b)(3), (4), and (5). (5/2002)	H	H
216.49A	Possession of Feloniously Taken Property Other Than by Larceny (e.g., Embezzlement). G.S. 14-70, -71.1, -72(a). (5/2002)	H, Misd	H, Misd 1
216.49B	Possession of Stolen Firearm. G.S. 14-71.1 and -72(b)(4). (5/2002)	H	H
216.49C	Felonious Possession of Stolen Goods from Permitted Construction Site—Goods Valued in Excess of \$300 but Less Than \$1,000. G.S. 14-72.6. (6/2006)		
216.50	Willfully Concealing the Merchandise of a Store—Shoplifting. G.S. 14-72.1(a). (3/2003)	Misd	Misd 3
216.52	Larceny by Price Tag Change. G.S. 14-72.1(d). (5/2002)	Misd	Misd 3
216.55	Willfully Concealing the Merchandise of a Store—Using Lead- or Aluminum-Lined Bag or Article of Clothing to Prevent Activation of Anti-Shoplifting Device or Inventory Control Device. G.S. 14-72.1(a), (d1). (5/2004)		H
216.56	Larceny from a Merchant. G.S. 14-72.11. (6/2018)		H
216.57	Organized Retail Theft. Retail Property with Value Exceeding \$1,500, Aggregated Over 90-Day Period. G.S. 14-86.6(a)(1). (6/2023)		H
216.57A	Organized Retail Theft Conspiracy—Retail Property with Value Exceeding \$20,000, Aggregated Over 90-Day Period. Felony. (6/2023)		
216.57B	Organized Retail Theft. Retail Property with Value Exceeding \$50,000 but Not Exceeding \$100,000. Aggregated Over 90-Day Period. Felony. (6/2023)		
216.57C	Organized Retail Theft. Retail Property with Value Exceeding \$1000,000, Aggregated Over 90-Day Period. Felony. (6/2023)		C
216.58	[Receiving] [Possessing] Retail Property Obtained by Organized Retail Theft. G.S. 14-86.6(a)(2). (6/2009)		H
216.59	Organized Retail Theft—Acting as Leader. (6/2018)		
216.59B	Damage to Property During Organized Retail Theft. Misdemeanor. (6/2023)		
216.59C	Assault During Organized Retail Theft. Misdemeanor. (6/2023)		
216.60	Larceny by an Employee. G.S. 14-74. (3/1998)	H	H
216.60A	Larceny by an Employee. G.S. 14-74, -75. (4/1998)		C, H (12/97)
216.61	Appropriation of Partnership Funds by Partner to Personal Use. G.S. 14-97. (5/1998)		C, H
216.62	Embezzlement by Insurance [Agents] [Brokers] [Administrators]. G.S. 58-2-162. (6/2010)		C, H

216.70	Felonious [Altering] [Destroying] [Disassembling] [Dismantling] [Reassembling] [Storing] of Any [Motor Vehicle] [Motor Vehicle Part] Illegally Obtained by [Theft] [Fraud] [Other Illegal Means]. G.S. 14-72.7(a)(1). (6/2014)		
216.71	Felonious Permitting of Chop Shop Activity on Property. G.S. 14-72.7(a)(2). (6/2014)		H
216.72	Felonious [Purchasing] [Disposing] [Selling] [Transferring] [Receiving] [Possessing] of [Motor Vehicles] [Motor Vehicle Parts] with an Altered [Vehicle Identification Number] [Vehicle Part Identification Number]. G.S. 14-72.7(a)(3). (6/2014)		H
216.73	Felonious [Purchasing] [Disposing of] [Selling] [Transferring] [Receiving] [Possessing] a [Motor Vehicle] [Motor Vehicle Part] from a Person Engaged in a Chop Shop Activity. G.S. 14-72.7(a)(4). (6/2014)		H
216.77	Purchasing of Vehicles for the Purpose of Scrap Parts Only and Failing to Comply with Certain Requirements Mandated by Law. G.S. 20-62.1 (6/2019)		I
216.80	Purchase of Regulated Metals by Secondary Metals Recyclers from Other Than a Fixed Location. G.S. 66-11(d)(1). (6/2008)		Misd 1
216.81	[Purchasing] [Receiving] of Regulated Metals by Secondary Metals Recyclers from (a) Minor(s). G.S. 66-11(d)(1). (6/2008)		Misd 1
216.82	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Property [Injury] [Loss in Value] [Repairs] [Loss Including Fixtures or Improvements] Less than \$1,000. G.S. 14-159.4(c)(1) (6/2013)		Misd 1
216.83	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Property [Injury] [Loss in Value] [Repairs] [Loss Including Fixtures or Improvements] \$1,000 or More (But Less than \$10,000). G.S. 14-159.4(c)(1) (6/2013)		H
216.84	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Property [Injury] [Loss in Value] [Repairs] [Loss Including Fixtures or Improvements] \$10,000 or More. G.S. 14-159.4(c)(1) (6/2013)		F
216.85	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Serious Injury. G.S. 14-159.4(c)(2) (6/2013)		Misd A1
216.86	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Serious Bodily Injury. G.S. 14-159.4(c)(3). (6/2013)		F
216.87	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Death. G.S. 14-159.4(c)(4) (6/2013)		D
216.88	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Critical Infrastructure. G.S. 14-159.4(c)(5) (6/2013)		Misd 1
216.90	Unauthorized Use of a Conveyance. G.S. 14-72.2. (5/2002)	I, Misd	I, Misd 7
216.93	Larceny of Pinestraw. G.S. 14-79.1. (11/1998)		H
216.95	Felonious Larceny of Ungathered Crops. G.S. 14-78. (5/2002)	H, Misd	H, Misd 1
216.96	Felonious Larceny of Horses, Mules, Swine, Cattle, or Dogs. G.S. 14-81. (2/2003)	H, J	H, I

216.97	Unlawful Taking and Carrying Away of Any [Horse] [Mare] [Gelding] [Mule] [Dog] with the Intent to Deprive the Owner of the [Special] [Temporary] Use of Such Property. G.S. 14-82. (2/2003)	Misd	Misd 2
216.98	Unlawful Taking and Carrying Away of Any [Horse] [Mare] [Gelding] [Mule] [Dog] with the Intent to Use Such Property for a [Special] [Temporary] Purpose. G.S. 14-82. (2/2003)	Misd	Misd 2
	Robbery.		
217.10	Common Law Robbery. G.S. 4-1, 14-2, 14-87.1. (6/2022)	H	G
217.20	Robbery with a Firearm. G.S. 14-87. (6/2022)	D	D
217.25	Attempted Robbery with a Firearm. G.S. 14-87. (5/2024)	D	D
217.30	Robbery with a Dangerous Weapon—Other Than a Firearm Covering Common Law Robbery as a Lesser Included Offense. G.S. 14-87, 14-87.1, 14.1, 14.2. (6/2022)	D, H	D
217.50	Safecracking—By Explosives, Drills, or Tools. G.S. 14-89.1(a)(1). (6/2017)	H	I
217.51	Safecracking—By Stolen Combination, Key, Electronic Device or Fraudulently Acquired Implement or Means. G.S. 14-89.1(a)(2). (6/2017)	H	I
217.52	Safecracking—By Use of [[Master Key] [Duplicate Key] [Device] [[Made] [Obtained]] in an Unauthorized Manner] [Stethoscope] [Listening Device] [Surreptitious Means]. G.S. 14-89.1(a)(3). (6/2017)	H	I
217.53	Safecracking—All Other Means. G.S. 14-89.1(a)(3) and (4). (6/2017)	H	I
217.54	Safecracking—Removing Safe or Vault from Premises. G.S. 14-89.1(b). (5/2003)	H	I
	Embezzlement.		
218.10	Embezzlement of Property by Virtue of Office or Employment. G.S. 14-90, 58-2-162. (6/2010)	H	H
218.10A	Embezzlement of Property Valued at \$100,000 or More by Virtue of Office or Employment. G.S. 14-90; 58-2-162. (6/2010)		C, H (12/97)
218.15	Embezzlement of Property by Virtue of Office or Employment. G.S. 14-90, 58-2-162, 45A-3. (6/2010)		H
218.15A	Embezzlement of Property Valued at \$100,000 or More by Virtue of Office or Employment. G.S. 14-90, 58-2-162, 45A-3. (6/2010)		C
218.20	Willful Misapplication of Corporate Money, Funds or Credits. G.S. 14-254. (5/2003)	G	H
218.21	Unauthorized Issuance of Corporate Instruments. G.S. 14-254. (5/2003)	G	H
218.22	False Entries by Corporate Officers or Agents. G.S. 14-254. (5/2003)	G	H
218.25	Embezzlement of State Property by Public Officers and Employees. G.S. 14-91. (6/2010)		F
218.25A	Embezzlement of State Property Valued at \$100,000 or More by Public Officers and Employees. G.S. 14-91. (6/2010)		C
218.30	[Misapplication] [Embezzlement] of Bank Funds (6/2013)		C, H
	False Pretenses and Cheats.		

219.10	Obtaining Property by False Pretenses. G.S. 14-100. (6/2021)	H	H
219.10A	Obtaining Property by False Pretenses (Value of Property \$100,000 or More). G.S. 14-100. (6/2020)		C, H (12/97)
219.11	Fraudulent Misrepresentation Involving Child Care Subsidies. G.S. 110-107. (4/2000)	-	Class 1; I
219.20	Obtaining Advances under Promise to Work. G.S. 14-104. (10/1998)	-	Misd 2
219.40	Obtaining Property in Return for Worthless Check, with Intent to Cheat and Defraud. G.S. 14-106. (3/2003)	Misd	Misd 2
219.50A	Worthless Check—Insufficient Funds (Less Than \$2,000). G.S. 14-107(a), (d)(1). (6/2014)	-	Misd 2
219.51A	Worthless Check—Insufficient Funds (More Than \$2,000). G.S. 14-107(a), (d). (6/2014)	J	I
219.52	Worthless Check—Drawn on Non-Existent Account. G.S. 14-107(d)(3). (5/2000)	Misd	Misd 1
219.53	Worthless Check—Drawn on Closed Account. G.S. 14-107(d)(4). (5/2000)	Misd	Misd 1
	Credit Card Crime Act.		
219B.10	Credit Card (Financial Transaction Card) Theft. G.S. 14-113.9(a)(1). (4/2003)	J	I
219B.11	Credit Card (Financial Transaction Card) Theft—Receiving Stolen Card. G.S. 14-113.9(a)(1). (4/2003)	J	I
219B.20	Credit Card (Financial Transaction Card) Theft—Use of Lost, Mislaid, or Mistakenly Delivered Card. G.S. 14-113.9(a)(2). (4/2003)	J	I
219B.25	Credit Card (Financial Transaction Card) Theft—Buying a Credit Card. G.S. 14-113.9(a)(3). (5/2003)	J	I
219B.26	Credit Card (Financial Transaction Card) Theft—Selling a Credit Card. G.S. 14-113.9(a)(3). (5/2003)	J	I
219B.30	Forgery of a Credit Card (Financial Transaction Card)—Making or Embossing Credit Card. G.S. 14-113.11(a)(1). (4/2003)	J	I
219B.31	Forgery or Uttering of a Forged Credit Card (Financial Transaction Card)—Falsely Encoded, Duplicated, Altered, or Uttered. G.S. 14-113.11(a)(2). (4/2003)	J	I
219B.35	Forgery of a Credit Card (Financial Transaction Card)—Unauthorized Signing of a Credit Card. G.S. 14-113.11(a)(3). (4/2003)	J	I
219B.40	Credit Card (Financial Transaction Card) Fraud—Credit Card Stolen, Forged, Falsely Represented, Expired, or Revoked. G.S. 14-113.13(a)(1)(2); (b). (4/2003)	J, Misd	I, Misd 2
219B.41	Credit Card Fraud—False Representation as to Holding or Issuance of Card. G.S. 14-113.13(a)(2). (5/2003)	J, Misd	I, Misd 2
219B.42	Credit Card Fraud—Where Defendant Held or Controlled Card as Security for Debt. G.S. 14-113.13(a)(3). (5/2003)	J, Misd	I, Misd 2
219B.43	Credit Card Fraud—By Furnisher of Goods and Services. G.S. 14-113.13(b)(1). (4/2003)	J, Misd	I, Misd 2
219B.44	Credit Card (Financial Transaction Card)—Fraud by Misrepresentation to Issuer. G.S. 14-113.13(b)(2). (4/2003)	J, Misd	I, Misd 2
219B.50	Criminal Possession of Incomplete Credit Cards (Financial Transaction Card). G.S. 14-113.14(a)(1). (4/2003)	J	I

		Before 10/1/94	On or After 10/1/94
219B.55	Criminal Possession of Credit Card (Financial Transaction Card)—Reproduction Device. G.S. 14-113.14(a)(2). (4/2003)	J	I
219B.60	Credit Card Fraud—Criminal Factoring of Transaction Card Records of Sale. G.S. 14-113.15A. (4/2003)	I	I
219B.65	[Possessing] [Selling] [Delivering] a Skimming Device. (6/2022)		I
219B.80	Identity Theft. G.S. 14-113.20, 14-113.22. (6/2020)		F, G
219B.80A	Identity Theft—Financial Fraud Resulting in Another Person’s [Arrest] [Detention] [Conviction of a Criminal Offense]. G.S. 14-113.20, -113.22. (6/2010)	-	F, G
219B.80B	Identity Theft—Possession of Identifying Information Pertaining to Three or More Persons. G.S. 14-113.20, -113.22. (6/2010)		F, G
219B.85	Identity Theft—Trafficking in Stolen Identities. G.S. 14-113.20A. (6/2010)		E
219C.05	Willfully Failing to Make North Carolina Income Tax Returns. G.S. 105-236(9). Deleted. (6/2013).	Misd	Misd 1
219D.10	Fraudulent Misrepresentation Involving a [License Application] [Other Document] Filed Pursuant to the North Carolina Money Transmitters Act. G.S. 53-208.58(b). (6/2017)		Misd 1
219D.15	Engaging in the Business of Money Transmission Without a License. G.S. 53-208.58(c). (6/2017)		Misd 1
219D.20	Unlawfully Engaging in the Business of Money Transmission—Any Reason. G.S. 53-208.58(a). (6/2017)		Misd 1
	Frauds.		
220.10	Fraudulent Disposal of Personal Property on Which There Is a Security Interest. G.S. 14-114. (5/2003)	Misd	Misd 2
220.20	Secreting Property to Hinder Enforcement of Lien or Security Interest. G.S. 14-115. (5/2003)	Misd	Misd 2
220.22	Filing False Security Agreements (6/2013)		I
220.24	Improper Filing of Lien on [Real Property] [Other Document]. G.S. 44A-12.1(c). (6/2013)		I
220.26	Filing [False Lien] [Encumbrance]. G.S. 14-118.6. (6/2020)		I
220.28	Simulation of Court Process in Connection with Collection of [a Claim] [a Demand] [an Account]. G.S. 14-118.1 (6/2013)		I
220.30	Residential Mortgage Fraud. G.S. 14-118.12(a)(1)–(2). (6/2013)		H
220.31	[Receiving] [Attempting to Receive] Proceeds from Residential Mortgage Fraud. G.S. 14-118.12(a)(3). (6/2008)		H
220.32	Conspiracy to Commit Residential Mortgage Fraud. G.S. 14-118.12(a)(4). (6/2008)		H
220.33	Solicitation of Residential Mortgage Fraud. G.S. 14-118.12(a)(4). (6/2008)		H
220.34	Pattern of Residential Mortgage Fraud. G.S. 14-118.15. (6/2008)		H, E
220.35	False Statement of Sums Due for [Labor] [Materials] Furnished at Site of Improvements to Real Property (6/2013)		Misd 1
220.40	Fraudulent and Deceptive Advertising. G.S. 14-117. (5/2003)	Misd	Misd 2
220.41	Making a Materially [False] [Misleading] Statement About a [Substance Use Disorder Treatment Service] [Recovery Residence] In Marketing Materials with the Intent to Defraud. G.S. 90-113.151(c). (4/2024)		G

		Before	On or After
		10/1/94	10/1/94
220.42	Making a [False] [Misleading] Statement about the Treatment Provider's [Status] [Credentials] [Rate of Recovery] with the Intent to Defraud. G.S. 90-113.151(c). (4/2024)		G
220.43	Making a Materially [False] [Misleading] Statement that a Relationship with a Treatment Provider Exists With the Intent to Defraud. G.S. 90-113.151(d). (3/2024)		G
220.44	Making a Materially [False] [Misleading] Statement About Substance Use Disorder Treatment Services with the Intent to Defraud. G.S. 90-113.151(d). (3/2024)		G
220.45	[Providing] [Directing any Other Person to Provide] False Information About the Identity of Any Treatment Provider with the Intent to Defraud. G.S. 90-113.151(d). (3/2024)		G
220.46	[Offering] [Paying] Anything of Value to Induce the Referral of a Patient [to] [from] a [Treatment Provider] [Laboratory]. G.S. 90-113.152(a)(1). (4/2024)		G
220.47	[Soliciting] [Receiving] Anything of Value in Return for Referring a Patient [to] [from] a [Treatment Provider] [Laboratory]. G.S. 90-113.152(a)(2). (4/2024)		G
220.48	[Soliciting] [Receiving] Anything of Value in Return for the [Acceptance] [Acknowledgement] of Treatment from a [Health Care Provider] [Health Care Facility]. G.S. 90-113.152(a)(3). (4/2024)		G
220.49	Including [False] [Misleading] Information About the Website of Any Treatment Provider with the Intent to Defraud. G.S. 90-113.51(d)(2). (3/2024)		G
220.50	[Improper] [Fraudulent] Receipt of Decedent's [Retirement Allowance] [Disability Benefit]. G.S. 135-18.11. (6/2013)		Misd 1
220.53	Improper Receipt of a Decedent's Disability Income Plan Allowance from the State of North Carolina. G.S. 135.111.1. (6/2014)		Misd 1
220.55	Fraudulently [Obtaining] [Increasing] Benefit Under Unemployment Insurance. G.S. 96-18.A. (6/2013)		I, Misd 1
220.60	Blackmail—Other Than by Accusation of Crime. G.S. 14-118. (5/2003)	Misd	Misd 1
220.65	Blackmail—By Accusation of Crime. G.S. 14-118. (5/2003)	Misd	Misd 1
220.70	Obtaining Academic Credit by Fraudulent Means. G.S. 14-118.2. (5/2003)	Misd	Misd 2
220.80	Extortion. G.S. 14-118.4. (5/2003)	H	F
220.85	Exploitation of [Disabled] [Older] Adult by a Person in a [Position of Trust] [Business Relationship with the Adult]. G.S. 14-112.2(b), (d). (6/2014)		F, G, H
220.90	Fraud in Connection with Rental of Motor Vehicle. G.S. 20-106.1. (3/2003)	J	I
220.91	Failing to Return Rented Property on Which There Is a Purchase Option (Rent to Own). G.S. 14-168.4. (5/2003)	Misd	Misd 2
220.95	Interfering with Gas, Electric, and Steam [Appliances] [Meters]. G.S. 14-151. (6/2014)		Misd 1
220.97	[Possession] [Transfer] [Use] of Automated Sale Suppression Device. G.S. 14-118.7. (6/2014)		H
221.10	Forgery. Forgery of Notes, Checks, and Other Securities. G.S. 14-119(a). (6/2008)	I	I

221.12	Possession of Counterfeit Instrument(s). G.S. 14-119(a). (6/2008)		I
221.14	Possession of Five or More Counterfeit Instruments. G.S. 14-119(b). (6/2008)		G
221.16	Transporting Five or More Counterfeit Instruments. G.S. 14-119(b). (6/2008)		G
221.20	Uttering Forged Instrument or Instrument Containing a Forged Endorsement. G.S. 14-120. (4/2003)	I	I
221.40	Forgery of Deeds, Wills and Certain Other Instruments. G.S. 14-122. (5/2003)	I	H
221.41	Showing Forth in Evidence Forged Deeds, Wills, and Certain Other Instruments. G.S. 14-122. (5/2003)	I	H
221.80	Forgery of Writings (Common Law Misdemeanor). (5/2003)	Misd	Misd 1; H
	Trespasses to Land and Fixtures.		
222.15	Willful and Wanton Injury to Real Property. G.S. 14-127. (5/2003)	Misd	Misd 1
222.16	Felonious Injury to Houses or Other Buildings Including Lesser Offense (6/2009)		I
222.17	Misdemeanor Injury to Houses or Other Buildings. G.S. 14- 144. (6/2009)		Misd 2
222.18	Felonious Injury to Fences or Walls Including Lesser Offense. G.S. 14-144. (6/2009)		I
222.19	Misdemeanor Injury to Fences or Walls. G.S. 14-144. (6/2009)		Misd 2
222.20	Forcible Trespass to Real Property (Common Law Misdemeanor). (5/2003)	Misd	Misd 1
222.22	Unlawfully [Stopping] [Impeding] [Delaying] [Detaining] a Public School Bus or Public School Activity Bus. G.S. 14- 132.2. (5/2002)		Misd 1
222.23	Refusing to Leave a Public School Bus or Public School Activity Bus. G.S. 14-132.2. (5/2002)		Misd 1
222.24	Trespassing on Public School Bus or Public School Activity Bus. G.S. 14-132.2. (5/2002)		Misd 1
222.26	Trespass—Electric Power Supplier—Basic Offense. G.S. 14-159.12(c). (12/2023)		Misd A1
222.28	Trespass—Electric Power Supplier—[Intent to Disrupt Normal Operation of Facility] [Act that Placed [Offender] [Another Person] at Risk of Serious Bodily Injury]. G.S. 14-159.12(d). (6/2013)		
222.29	Injuring an Energy Facility. Felony. G.S. 20-150.2(b). (10/2023)		C
222.29A	Injuring an Energy Facility—Causing Death. Felony. G.S. 20-150.2(b)(c). (10/2023)		B2 Misd 1
222.30	Domestic Criminal Trespass. G.S. 14-134.3(a). (5/2003)		Misd 1
222.31	Aggravated Domestic Criminal Trespass. G.S. 14-134.3(b). (5/2003)		G
222.32	Interfering with Emergency Communications. G.S. 14-286.2. (5/2002)		Misd A1
222.33	Trespassing by Person Subject to Valid Protective Order onto Property Operated as a Safe House or Haven for Victims of Domestic Violence. (6/2011)		H
222.40	Setting Fire to [Grassland] [Brushland] [Woodland] Property of Another. G.S. 14-136. (4/2003)	Misd	Misd 2

222.40A	Setting Fire to [Grassland] [Brushland] [Woodland] (Defendant's Property). G.S. 14-136. (4/2003)	Misd	Misd 2
222.41	Setting Fire to [Grassland] [Brushland] [Woodland] with Intent to Damage Property of Another. G.S. 14-136. (3/2003)	I	I
222.42	[Cutting] [Injuring] [Removing] Another's Timber. G.S. 14-135, 14-72.		Misd 1, H
222.45	Toxic Substances, Dumping. G.S. 14-284.2. (5/2003)		F
222.50	Desecration of a Gravesite. G.S. 14-148(a). (6/2008)		Misd 1
222.51	Desecration of Human Remains. G.S. 14-149. (6/2008)		H
222.52	Felonious Desecration of a Gravesite. G.S. 14-148(a). (6/2008)		I
222.60	Injuring Telecommunication Wires. G.S. 14-154. (12/2023)		I
222.65	Trespassing for the Purpose of [Hunting] [Fishing] [Trapping] (6/2012)		Misd 1
222.66	Trespassing for the Purpose of [Raking] [Removing] Pine Straw (6/2012)		Misd 1
222.68	Improper Taking of [Menhaden] [Atlantic Thread] Herring. G.S. 113-187. (6/2013)		Misd A1
222.69	Unlawful Dealings with [Ginseng] [Galax] [Venus Flytrap]. G.S. 106-202.19(a). (6/2013)		Misd 2
222.70	Trespass to Land on a Motorized All Terrain Vehicle. G.S. 14-159.3. (6/2015)		Misd 2
222.75	Collection of [Seismic] [Geophysical] Data on Another's Property Without Written Consent. G.S. 113-395.4. (6/2015)		Misd 1
222.80	Graffiti Vandalism. G.S. 14-127.1. (6/2016)		Misd
222.85	Graffiti Vandalism. G.S. 14-127.1. (6/2016)		
	Trespasses to Personal Property.		
223.15	Willful and Wanton Injury to Personal Property Causing Damage of More Than \$200. G.S. 14-160. (5/2003)	Misd	Misd 1, 2
223.20	[Alteration] [Destruction] [Removal] of Permanent Identification Marks from Personal Property. G.S. 14-160.1(a). (6/2022)	Misd	Misd 1
223.20A	[Alteration] [Destruction] [Removal] of Permanent Identification Marks from Personal Property Worth More Than \$1,000. (6/2022)		H
223.21	[Buying] [Selling] [Possessing] Item of Personal Property on Which the Permanent Identification Mark Has Been [Altered] [Destroyed] [Defaced] [Removed]. G.S. 14-160.1(b). (6/2022)	Misd	Misd 1
223.21A	[Buying] [Selling] [Possessing] Item of Personal Property Worth More Than \$1,000 on Which the Permanent Identification Mark has Been [Altered] [Destroyed] [Defaced] [Removed]. (6/2022)		I
223.25	Felonious Computer Trespass. G.S. 14-453, -458. (4/2000)		Class 3; 1/I
223.30	Willfully Damaging [Computers] [Computer Programs] [Computer Systems] [Computer Networks]. G.S. 14-455. (6/2009)		Misd 1
223.31	Willfully Damaging Government [Computers] [Computer Programs] [Computer Systems] [Computer Networks]. G.S. 14-455(b). (6/2009)		F
223.40	Unlawful Operation of an Audiovisual Recording Device. G.S. 14-440.1. (6/2006)		Misd 1
223.45	Unlawful Operation of an Audiovisual Recording Device. G.S. 14-440.1. (6/2006)		I, Misd 1

223.70	Injuring, Destroying, Removing, Vandalizing, or Tampering with Firefighting or Emergency Medical Services Machinery or Equipment. (6/2018)		
223.71	Interfering with a [Fire-Alarm] [Fire-Detection] [Fire-Extinguishing] System. (6/2020)		Misd 2
223.72	Interfering with a [Fire-Alarm] [Fire-Detection] [Fire-Extinguishing] System in a [Prison] [Local Confinement Facility]. (6/2020)		H
223.73	Giving False Alarms. (6/2020)		Misd 2
223.74	Willfully [Misusing] [Damaging] a Portable Fire Extinguisher. (6/2020)		Misd 2
Vehicles and Draft Animals—Protection of Bailor against Acts of Bailee.			
224.10	[Willful] [Malicious] Injury to [Rented] [Hired] Personal Property. G.S. 14-165. (3/2003)	Misd	Misd 2
224.20	Failure to Return [Rented] [Hired] Property. G.S. 14-167. (3/2003)	Misd	Misd 2
224.25	Failure to Return [Rented] [Hired] [Leased] Motor Vehicle Valued in Excess of \$4,000. G.S. 14-167. (6/2006)		
224.30	Felonious Conversion by Bailee. G.S. 14-168.1 (4/2003)	H, Misd	H, Misd 1
Offenses against Public Morality and Decency.			
225.10	[Knowingly] [Willingly] [Abusing] [Mutilating] a Dead Human Body in a Person's Custody. 90-210.25(5)(2) (6/2019)		Misd 2
225.15	Unauthorized Practice of [Embalming] [Funeral Directing] [Funeral Service] [Operating Funeral Establishment]—Practicing Without a License (Including While Representing Oneself as Being Licensed. G.S. 90-210.25(f)(1) (6/2019)		Misd 2
226.10	Crime against Nature—Animals. G.S. 14-177. (6/2006)	H	I
226.10A	Crime against Nature—Persons. G.S. 14-177. (6/2019)		
226.20	Incest. G.S. 14-178. (3/2003)	G	F
226.20A	Incest with a Person under the Age of Thirteen Years. G.S. 14-178. (3/2003)	G	B1
226.20B	Incest with a Person [Thirteen] [Fourteen] [Fifteen] Years of Age. G.S. 14-178. (3/2003)		B1, C
226.45	Bigamy. G.S. 14-183. (3/2003)	H	I
226.46	Bigamous Cohabitation. G.S. 14-183. (4/2003)	H	I
226.50	Fornication and Adultery. G.S. 14-184. (1/2004)	Misd	Misd 2
226.55	Using Profane or Indecent Language over a Telephone. G.S. 14-196(a)(1). (3/2001)	Misd	Misd 2
226.56	Using Threatening Language by Way of Telephone. G.S. 14-196(a)(2). (3/2001)	Misd	Misd 2
226.57	Harassing by Repeated Telephone Calls. G.S. 14-196(a)(3). (3/2001)	Misd	Misd 2
226.58	Disrupting Telephone Service of Another. G.S. 14-196(a)(4). (3/2001)	Misd	Misd 2
226.59	Harassing by Imparting False Information by Telephone. G.S. 14-196(a)(5). (3/2001)	Misd	Misd 2
226.60	Cyberstalking—Threatening Language. G.S. 14-196.3(b)(1). (3/2001)		Misd 2
226.60A	Cyberstalking—Harassment. G.S. 14-196.3(b)(2). (1/2001)		Misd 2
226.60B	Cyberstalking—False Statement. G.S. 14-196.3(b)(3). (3/2001)		Misd 2

		<u>Offense Classification</u>	Before	On or After
			10/1/94	10/1/94
226.60C	Cyberstalking—Permitting Communication. G.S. 14-196.3(b)(4). (3/2001)			Misd 2
226.62	Cyberstalking Through Use of an Electronic Tracking Device. G.S. 14-196.3 (6/2016)			
226.65	Cyber-bullying with Intent to [Intimidate] [Torment] a Minor. G.S. 14-458.1(a)(1). (6/2017)			Misd 1, Misd 2
226.66	Cyber-bullying with Intent to [Intimidate] [Torment] [a Minor] [a Minor’s [Parent] or [Guardian]]. G.S. 14-458.1(a)(2). (6/2010)			Misd 1, Misd 2
226.67	Cyber-bullying—Using a [Computer] [Computer Network] to Plant Any Statement to Provoke a Third Party to [Stalk] [Harass] a Minor. G.S. 14-458.1(a)(3). (6/2010)			Misd 1, Misd 2
226.68	Cyber-bullying—Using a [Computer] [Computer Network] to [Copy and Disseminate] [Cause to Be Made] an Unauthorized Copy of Data Pertaining to a Minor for Purpose of [Intimidating] [Tormenting] That Minor. G.S. 14-458.1(a)(4). (6/2010)			Misd 1, Misd 2
226.69	Cyber-bullying—Signing up a Minor for a Pornographic Internet Site. G.S. 14-458.1(a)(5). (6/2010)			Misd 1, Misd 2
226.70	Cyber-bullying—Using a [Computer] [Computer Network] to Sign up a Minor for [Electronic Mailing List] [Electronic Messages] Without Consent of the [Minor] [Minor’s [Parent] [Guardian]] Resulting in [Intimidation] [Torment] of the Minor. G.S. 14-458.1(a)(6). (6/2010)			Misd 1, Misd 2
226.71A	Cyber-bullying of School Employee by Student—[Computer] [Internet] Interference with Employee. G.S. 14-458.2(b)(1). (6/2013)			Misd 2
226.72B	Cyber-bullying of School Employee by Student—Statements Likely to Provoke Action. G.S. 14-458.2(b)(2). (6/2013)			Misd 2
226.72C	Cyber-bullying of School Employee by Student—Unauthorized Copying of Data. G.S. 14-458.2(b)(3). (6/2013)			Misd 2
226.72D	Cyber-bullying of School Employee by Student—Pornographic Internet Site. G.S. 14-458.2(b)(4). (6/2013)			Misd 2
226.72E	Cyber-bullying of School Employee by Student—Electronic Mailing Lists. G.S. 14-458.2(b)(5). (6/2013)			Misd 2
226.75	Secretly Peeping into Room Occupied by Another Person. G.S. 14-202(a). (12/2003)	Misd		Misd 1
226.75A	Secretly Peeping through the Use of a Mirror or Other Device. G.S. 14-202(a1). (2/2005)			Misd 1
226.76	Secretly Peeping into Room While in Possession of a Device Used to Create a Photographic Image. G.S. 14-202(c). (4/2004)			Misd A1
226.77	Felonious Secretly Peeping into Room Occupied by Another Person and Using a Device to Create a Photographic Image of a Person in That Room for the Purpose of Sexual Arousal or Gratification. G.S. 14-202(d). (4/2004)			I
226.78	Secretly or Surreptitiously Using a Device to Create a Photographic Image of Another Person Underneath or through the Clothing. G.S. 14-202(e). (4/2004)			I
226.79	Secretly or Surreptitiously Installing a Device Used to Create a Photographic Image. G.S. 14-202(f). (4/2004)			I
226.80	Knowingly Possessing a Photographic Image Obtained by Secretly Peeping. G.S. 14-202(g). (5/2004)			I

226.81	Knowingly Disseminating a Photographic Image Obtained by Secretly Peeping. G.S. 14-202(h). (5/2004)		H
226.85	Taking an Indecent Liberty with a Child. G.S. 14-202.1. (4/2003)	H	F
226.86A	Taking Indecent Liberties with a Student (by Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-202.4. (6/2016)	-	I
226.86B	Taking Indecent Liberties with a Student (by Member of School Personnel Other Than Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-202.4. (6/2016)	-	Misd A1
226.90	Promoting Prostitution. G.S. 14-205.3. (6/2014)		E, F
226.91	Patronizing a Prostitute. G.S. 14-205.2. (6/2014)		E, F
226.92	Patronizing a Prostitute. G.S. 14-205.2. (6/2014)		E, F
226.93	Patronizing a Prostitute Who Had a [Severe] [Profound] Mental Disability. G.S. 14-205.2. (6/2019)		D
226.94	Promoting Prostitution of a Person Who Had a [Severe] [Profound] Mental Disability. G.S. 14-205/3(b). (6/2019)		Misd A1, G
226.96	Solicitation for Prostitution with a Person Who Has a [Severe] [Profound] Mental Disability. G.S. 14-204(5), 14-205.1. (6/2019)		E
226.97	Solicitation for Prostitution. G.S. 14-204(5), 14-205.1. (6/2014)		G, H
226.98	Solicitation for Prostitution. G.S. 14-204(5), 14-205.1. (6/2014)	Misd	Misd 1
227.10	Massage and Bodywork Therapy Licensing Violation. (6/2018)		
227.15	[Sexual Activity] [Solicitation of Sexual Activity] in a Massage and Bodywork Therapy Establishment. (6/2018)		
227.20	Owner of Massage and Bodywork Therapy Establishment Permitting or Engaging in Sexual Activity. (6/2018)		
	Perjury.		
228.10	Perjury. G.S. 14-209. (1/2001)	H	F
228.20	Subornation of Perjury. G.S. 14-210. (1/2001)	H	I
228.30	Presenting a False Statement to Procure Benefit of Insurance Policy. G.S. 58-2-161(b)(1). (2/2024)	I	I
228.30.1	Presenting a False Statement to Procure Benefit of Insurance Policy—Claim of Less Than \$100,000. G.S. 58.2-161(b)(1). (2/2024)		H
228.30A	Presenting a False Statement to Deny Benefit of Insurance Policy—Claim of \$100,000 or More. G.S. 58-2-161(b)(1), (c)(2). (2/2024)	I	C
228.30A.1	Presenting a False Statement to Deny Benefit of Insurance Policy—Claim Less Than \$100,000. G.S. 58.2-161(b)(1),(c)(1). (2/2024)		H
228.35	Making (or Participating in) a False Statement to Procure Benefit of Insurance Policy—Claim of \$1000,000 or More. G.S. 58-2-161(b)(2),(c)(2). (2/2024)	I	C
228.35.1	[Assisting] [Abetting] [Soliciting] [Conspiring With] Another Person To [Make] [Prepare] a False Statement to Procure Benefit of Insurance Policy—Claim Less Than \$100,000. G.S. 58.2-161(b)(2),(c)(1). (3/2024)		H
228.35A	Making (or Participating in) a False Statement to Deny Benefit of Insurance Policy—Claim of \$100,000 or More.		

228.35A.1	G.S. 58-2-161(b)(2),(c)(2). (3/2024) [Assisting] [Abetting] [Soliciting] [Conspiring With] Another Person To [Make] [Prepare] a False Statement to Deny Benefit of Insurance Policy—Claim Less Than \$100,000. G.S. 58.2-161(b)(2),(c)(1). (3/2024)	I	C
	Bribery.		
229.05	Bribery of Officials. G.S. 14-217. (5/2005)	I	F
229.10	Offering a Bribe to Public Officials. G.S. 14-218. (4/2003)	I	F
229.15	[Buying] [Selling] Public Offices. G.S. 14-228. (6/2016)		
229.20	Commercial Bribery. G.S. 14-353. (6/2014)	Misd	Misd 2
229.21	Commercial Bribery (Making Bribe). G.S. 14-353. (6/2014)	Misd	Misd 2
	Obstructing Justice.		
230.20	Breaking or Entering with the Intent of Altering, Destroying, or Stealing Evidence. G.S. 14-221.1. (1/1999)	I	I
230.21	[Altering] [Destroying] [Stealing] Evidence of Criminal Conduct. G.S. 14-221.1. (6/2010)	I	I
230.25	[Destroying] [Altering] [Concealing] [Tampering With] Biological Evidence of Criminal Conduct. G.S. 15A-268. (6/2010)		H, I
230.26	Felonious Misrepresentation of Evidence. (6/2012)		H
230.27	Non-Felonious Misrepresentation of Evidence. (6/2012)		Misd 1
230.30	Resisting, Delaying, or Obstructing a Public Officer—All Situations Other Than Arrest. G.S. 14-223. (6/2022)	Misd	Misd 2
230.31	Resisting Arrest—Lawfulness of Arrest. G.S. 14-223. (1/1999)	Misd	Misd 2
230.32	Resisting, Delaying or Obstructing an Officer—Excessive Force by the Officer. G.S. 14-223. (6/2022)	Misd	Misd 2
230.34	Resisting, Delaying, or Obstructing a Public Officer—Serious Bodily Injury. (6/2022)		F, I, Misd 2
230.36	Resisting, Delaying, or Obstructing a Public Officer—Serious Injury. (6/2022)		I, Misd 2
230.40	Obstructing the Administration of Justice by [Picketing] [Parading] [Use of a Sound Truck or Similar Device]. G.S. 14-225.1. (12/1998)	Misd	Misd 1
230.60	Harassment or Intimidation of or Communication with Juror. G.S. 14-225.2. (12/1998)	I	H, I
230.60A	Harassment or Intimidation of or Communication with Juror’s Spouse. G.S. 14-225.2. (1/1999)	I	H, I
230.61A	Intimidating Witnesses by Threatening the Assertion or Denial of Parental Rights. G.S. 14-226. (2/2005)		H
230.62	Obstruction of Justice. Common Law Misdemeanor. (3/2003)	Misd	Misd 1, H
230.65	Intimidating or Interfering With Witness. G.S. 14-226(a). (Delete Sheet). (6/2022)		G
230.66	Intimidating a Witness. (6/2022)		G
230.67	Interfering with a Witness. (6/2022)		G
230.70	Impersonation of Law-Enforcement Officer by [Verbally Informing Another] [Displaying Any Badge or Identification] [Unlawfully Operating a Vehicle with an Operating Red Light]. Misdemeanor. G.S. 14-277(a). (6/2011)	Misd	Misd 1
230.70A	Impersonation of Law-Enforcement Officer by Operating a Vehicle with an Operating Blue Light. Felony. (6/2011)		H, I

		<u>Offense Classification</u>	
		Before	On or After
		10/1/94	10/1/94
230.71	Impersonating a Law Enforcement Officer by Operating a Vehicle with an Operating Blue Light Causing a Person to [Stop] [Yield] (Blue Light Bandit). G.S. 14-277(a)(4), (b)(5). (12/1997)		H, I
230.73	Impersonation of [a Firefighter] [an Emergency Medical Services Personnel]. G.S. 14-276.1 (6/2016)		
230.75	Impersonation of Law-Enforcement Officer (Carrying Out an Act in Accordance with the Authority Granted to a Law-Enforcement Officer). Misdemeanor. G.S. 14-277(b). (6/2011)	Misd	Misd 1
230.75A	Impersonation of Law-Enforcement Officer (Carrying Out an Act in Accordance with the Authority Granted to a Law-Enforcement Officer). Felony. G.S. 14-277(b). (6/2011)		H, I
230.77	Driving with a Light Bar. (6/2018)		
230.80	Concealment of Death. G.S. 14-401.22. (6/2006)		Felony
230.81	Harassment of a Participant in a Neighborhood Crime Watch Program. G.S. 14-226.2. (6/2007)		Misd 1
230.91	Concealment of Death—Intent to Conceal Death by Dismembering or Destroying Human Remains. (6/2012)		H
230.92	Concealment of Death—Intent to Conceal Unnatural Death by Dismembering or Destroying Human Remains. (6/2012)		D
230.93	Concealment of Death—Aiding, Counseling, and Abetting. (6/2012)		Misd 1
230.94	Disturbing Human Remains—Physical Alteration or Manipulation. (6/2012)		I
230.95	Disturbing Human Remains—Acts of Sexual Penetration. (6/2012)		I
	Prison Breach and Prisoners.		
233.45	Prison Breach and Escape from [County] [Municipal] Confinement [Facilities] [Officers]. G.S. 14-256. (6/2014)		Misd 1, H
233.47	Possession of Tools for Escape by a Prisoner. G.S. 14-258(c). (6/2019)		H
233.50	Feloniously Harboring or Aiding an Escaped Prisoner. G.S. 14-259. (12/1998)	I	I
233.60	Injury to Prisoner by Jailer. G.S. 162-55. (12/1998)	Misd	Misd 1
233.70	Harboring a Fugitive. G.S. 14-267. (2/1999)	Misd	Misd 1
233.80	Furnishing a Controlled Substance to an Inmate. G.S. 14-258.1(a). (6/2010)	H	H
233.81	Furnishing a Deadly Weapon, Cartridge or Ammunition to an Inmate. G.S. 14-258.1(a). (6/2010)	H	H
233.82	Furnishing an Alcoholic Beverage to an Inmate. G.S. 14-258.1(b). (6/2010)	Misd	Misd 1
233.83	Furnishing a Tobacco Product (Including Vapor Products) to an Inmate. G.S. 14-258.1(c). (1/2024)	Misd	Misd 1
233.84	Furnishing a [Mobile Telephone] [Wireless Communication Device] [Component of a [Mobile Telephone] [Wireless Communication Device]] to an Inmate. G.S. 14-258.1(d). (1/2024)	Misd	Misd 1
233.85	Providing [Forbidden Articles] [Tools to Escape] to a Prisoner. G.S. 14-258(a) (1/2024)		H
233.90	Possession of Tobacco Product (Including Vapor Products) by an Inmate. G.S. 14-258.1(e). (1/2024)	Misd	Misd 1

233.95	Possession of a [Mobile Telephone] [Wireless Communication Device] [Component of a [Mobile Telephone] [Wireless Communication Device]] by an Inmate. G.S. 14-258.1(g). (1/2024)	Misd	Misd 1
Offenses against the Public Peace.			
235.10	Carrying a Concealed Weapon Other Than a Pistol or Handgun. G.S. 14-269(a). (6/2014)	Misd	Misd 2
235.12	Carrying a Concealed [Pistol] [Handgun]. G.S. 14-269(a1). (6/2015)		Misd 2, H
235.15	Carrying Weapons into Assemblies. G.S. 14-269.3. (6/2014)	Misd	Misd 1
235.16	Carrying Weapons into Establishments Where Alcoholic Beverages Are Sold and Consumed. G.S. 14-269.3. (6/2014)	Misd	Misd 1
235.17	[Carrying] [Possessing] Weapons [on Educational Property] [at School Sponsored Activity]. G.S. 14-269.2(b) and (b1). (6/2016)	I, Misd	I, Misd 1
235.17A	[Causing] [Encouraging] [Aiding] a Minor to [Carry] [Possess] Weapons on Educational Property. G.S. 14-269.2(c) and (c1). (6/2014)	I, Misd	I, Misd 1
235.17B	Willfully Discharging a Firearm on Educational Property or at School Sponsored Activity. G.S. 14-269.2(b) and (b1). (6/2014)		F
235.18	Communicating Threats. G.S. 14-277.1. (2/2000)	Misd	Misd 1
235.19	Stalking. G.S. 14-277.3A(c)(d). (6/2009)	I, Misd	F, H, Misd A1
235.19A	Stalking (Court Order in Effect). G.S. 14-277.3A(c)(d). (6/2009)		H
235.19B	Stalking (Previously Convicted). G.S. 14-277.3A(c)(d). (6/2009)		F
235.20	Going about Armed with Unusual and Dangerous Weapons to the Terror of the People. (Common Law Misdemeanor). (4/1999)	Misd	Misd 1
235.30	Pointing a Laser Device towards an Aircraft. G.S. 14-280.2. (6/2006)		H
235.35	Interference with Manned Aircraft by Unmanned Aircraft Systems. G.S. 14-280.3. (6/2015)		H
235.36	Possession of an [Unmanned Aircraft] [Unmanned Aircraft System] that has a Weapon Attached. Felony. G.S. 14-401.24(a)., (12/2023)		E
235.37	Use of Unmanned Aircraft System Near a [Confinement] [Correctional] Facility. (6/2018)		
235.38	Use of an Unmanned Aircraft System Near a [Confinement] [Correctional] Facility to [[Deliver] [Attempt to Deliver]] [[a Weapon] [Contraband]]. (6/2018)		
235.40	Use of an Unmanned Aircraft System Near a Forest Fire. Misdemeanor. G.S. 15A-300.4(a),(c)(7). (4/2024)		Misd A1
235.41	Use of an Unmanned Aircraft System Near a Forest Fire Interfering with Emergency Operations. Felony. G.S. 15A-300.4(a),(c)(5). (4/2024)		H
235.42	Use of an Unmanned Aircraft System Near a Forest Fire Interfering with Emergency Operations Causing Damage. Felony. G.S. 15A-300.4(a),(c)(4). (4/2024)		G
235.43	Use of an Unmanned Aircraft System Near a Forest Fire Causing [Physical] [Mental] Injury. Felony.		

235.44	G.S. 15A-300.4(a),(c)(b). (5/2024) Use of an Unmanned Aircraft System Near a Forest Fire Causing Serious [Physical] [Mental] Injury. Felony.		I
235.45	G.S. 15A-300.4(a),(c)(3). (5/2024) Use of an Unmanned Aircraft System Near a Forest Fire Causing Serious Bodily Injury. Felony. G.S. 15A-300.4(a),(c)(2). (5/2024)		F E
235.46	Use of an Unmanned Aircraft System Near a Forest Fire Causing Death. Felony. G.S. 15-300.4(a),(c)(1). (4/2024)		D
235.49	Using an Unmanned Aircraft System to [Fish] [Hunt]. Misdemeanor. G.S. 14-401.24(b). (12/2023)		Misd 1
235.50	Terrorism (Basic Offense). G.S. 14-10.1. (6/2013)		B1*
235.51	Terrorism—Continuing Criminal Enterprise. G.S. 14-7.20. (6/2013)		D
235.61	Unlawful Distribution of Images Taken by Unmanned Aircraft. G.S. 14-401.25. (6/2015)		Misd A1
235.65	Disclosure of Private Images by Offender Under the Age of 18. G.S. 14-190.5A(c)(2). (6/2018)		Misd 1
235.65A	Disclosure of Private Images by Offender Under 18 Years of Age. G.S. 14-190.5A(b), (c)(2). (6/2018)		Misd
235.67	Disclosure of Private Images by Offender 18 Years of Age Or Older. G.S. 14-190.5A(b), (c)(1). (6/2018)		H
235.67A	Disclosure of Private Images by Offender 18 Years of Age Or Older. G.S. 14-190.5A(b), (c)(1). (6/2018)		F
235.69	Felonious Disclosure of Private Images by Offender Under the Age of 18 G.S. 14-190.5A(c)(3). (6/2018)		H
Riots and Civil Disorders.			
235.69A	Felonious Disclosure of Private Images by Offender Under 18 Years of Age. G.S. 14-190.5A(b), (c)(3). (6/2018)		
236A.10	Feloniously Engaging in a Riot Where the Defendant Has Actually Participated in the Violence—More Than \$1,500 Property Damage or Serious Injury. G.S. 14-288.2(c)(1). (9/2023)	I, Misd	H, Misd 1
236A.15	Feloniously Engaging in a Riot Where the Defendant Has Actually Participated in the Violence—Dangerous Weapon or Substance. G.S. 14-288.2(c)(2). (12/2023)	I, Misd	H, Misd 1
236A.20	Inciting to Riot—\$1,500 or Less in Damage—Misdemeanor. G.S. 14-288.2(d). (10/2023)	Misd	Misd A1
236A.21	Feloniously Inciting a Riot Causing Death. G.S. 14-288.2(e1). (12/2023)		D
236A.22	Engaging in a Riot. Misdemeanor. G.S. 14-288.2(b). (9/2023)		Misd 1
236A.25	Felonious Inciting to Riot—Damage in Excess of \$1,500 or Serious Bodily Injury (with Misdemeanor Inciting as a Lesser Included Offense). G.S. 14-288.2(e). (10/2023)	H, Misd	F, Misd 1
236A.26	Feloniously Engaging in a Riot Causing Death. G.S. 14-288.2(c2). (9/2023)		E
236A.27	Failure to Disperse. G.S. 14-288.5. (6/2013)		Misd 2
236A.28	[Standing] [Sitting] [Lying] Upon [Highways] [Streets]. G.S. 20-174.1. (6/2015)		Misd 2

* If the underlying act of violence is a Class A or B1 felony offense. Otherwise, it is one class higher than felony for underlying act of violence.

236A.30	Disorderly Conduct (Fighting or Other Violent Conduct). G.S. 14-288.4(a)(1). (5/1999)	Misd	Misd 2
236A.31	Disorderly Conduct (Abusive Language or Gestures). G.S. 14-288.4(a)(2). (5/1999)	Misd	Misd 2
236A.33	Disorderly Conduct at a Funeral. G.S. 14-288.4 (a)(8). (6/2014)		Misd 1, H, I
236A.35	Disorderly Conduct at a Funeral. G.S. 14-288.4 (a)(8) (6/2014)		Misd 1, H, I
236A.40	Disorderly Conduct [In] [Near] a Public [Building] [Facility]. G.S. 14-132(a)(1). (6/2016)		
236A.60	Looting (Lesser Included Offense of Trespass during Emergency). G.S. 14-288.6. (5/1999)	I, Misd	H, Misd 1
236B.10	Misdemeanor Street Takeover. G.S. 20-141.10(b). (10/2023)		Misd A1
236B.15	Felonious Street Takeover. G.S. 20-141.10(b). (10/2023)		H
236B.20	Committing an Overt Act in Furtherance of a Street Takeover. G.S. 20-141.10(c). (10/2023)		Misd A1
236B.25	Assault or Threat to Law Enforcement Officer During a Street Takeover. G.S. 20-141.10(e). (12/2023)		H
	Lotteries and Gaming.		
237.20	Possession of Lottery Tickets Used in the Operation of a Lottery. G.S. 14-290. (6/2006)	Misd	Misd 2
237.25	Sale of Lottery Tickets. G.S. 14-291. (6/2006)	Misd	Misd 2
237.26	Sale of Tickets Used in a Numbers Lottery. G.S. 14-291.1. (6/2006)	Misd	Misd 2
237.30	Gambling. G.S. 14-292. (1/2000)	Misd	Misd 2
237.40	Unlicensed Operation of a Beach Bingo Game. G.S. 14-309.14(5). (6/2017)		Misd 2
237.45	Providing False Information in Order to Obtain a License to Operate a Beach Bingo Game. G.S. 14-309.14(5)(c). (6/2017)		Misd 2
237.51	Knowingly [Offering] [Engaging In] Sports Wagering. Misdemeanor. G.S. 18C-918(a). (5/2024)		Misd 2
237.52	Engaging in Sports Wagering Under the Age of 21. Misdemeanor. G.S. 18C-918(b). (5/2024)		Misd 2
237.53	Knowingly Attempting to [Suborn] [Collude] [Otherwise Conspire] to Influence the Outcome of any Competition that is the Subject of Sports Wagering. G.S. 18C-918(c). Felony. (5/2024)		G
237.54	Willfully [Furnishing] [Supplying] [Otherwise Giving] False Information On An Interactive Sports License Application. Felony. G.S. 18C-918(d). (5/2024)		I
237.55	Knowingly [Offering] [Engaging In] Pari-Mutuel Wagering. Misdemeanor. G.S. 18C-1020(a). (5/2024)		Misd 2
237.56	Engaging in Pari-Mutuel Wagering Under the Age of 21. Misdemeanor. G.S. 18C-1020(b). (5/2024)		Misd 2
237.57	Knowingly Attempting to [Suborn] [Collude] [Otherwise Conspire] to Influence the Outcome of any Competition that is the Subject of Pari-Mutuel Wagering. Felony. G.S. 18C-1020(c). (5/2024)		G
237.58	Willfully [Furnishing] [Supplying] [Otherwise Giving] False Information on an Advanced Deposit Wagering (ADW) License Application. Felony. G.S. 18C-1020(d). (5/2024)		I

237.60	Possession of Illegal Slot Machine. G.S. 14-301. (8/1999)	Misd	Misd 2
237.70	Unlawful [Operation] [Possession] of Video Gaming Machines. G.S. 14-306.1, -306.1A. (6/2007).		Misd 1, H, G
237.75	Operating Electronic Sweepstakes. G.S. 14-306.4(b). (6/2013)		Misd 1, H, G
237.80	Unlawful [Promotion] [Operation] [Conducting] of a Server-Based Electronic Game Promotion. G.S. 14-306.3(a). (6/2009)		Misd 1, H, G
237.90	Unlawful Possession of Game Terminal for the Purpose of [Promoting] [Operating] [Conducting] a Server-Based Electronic Game Promotion. G.S. 14-306.3(b). (6/2009)		Misd 1
237.91	Felonious Possession of Game Terminals for the Purpose of [Promoting] [Operating] [Conducting] a Server-Based Electronic Game Promotion. G.S. 14-306.3; 14-309(c). (6/2009)		G
	Obscenity.		
238.10	Disseminating Obscenity Intentionally (Physical Transfers). G.S. 14-190.1(a)(1), (3). (3/2024)	J	I
238.10.1	Disseminating Obscenity Intentionally in the Presence of a Minor (Physical Transfers). Felony. G.S. 14-190.1(a)(1),(3) and (g). (3/2024)		H
238.10A	Disseminating Obscenity Intentionally (Live Performances). G.S. 14-190.1(a)(2). (3/2024)	J	I
238.10A.1	Disseminating Obscenity Intentionally in the Presence of a Minor (Live Performances). G.S. 14-190.1(a)(2). Felony. (3/2024)		H
238.10B	Disseminating Obscenity Intentionally (Transmissions or Deliveries of Actual Images—Not Drawings). G.S. 14-190.1(a)(4). (3/2024)	J	I
238.10B.1	Disseminating Obscenity Intentionally in the Presence of a Minor (Transmissions Or Deliveries Of Actual Images-Not Drawings). G.S. 14-190.1(a)(4) and (g). Felony. (3/2024)		H
238.11	Creating, Buying, Procuring, or Possessing Obscene Material with the Intent to Disseminate. G.S. 14-190.1(e). (3/2024)	J	I
238.11.1	Creating, Buying, Procuring, or Possessing Obscene Material with the Intent to Disseminate in the Presence of a Minor. Felony. G.S. 14-190.1(e),(g). (3/2024)		H
238.12	Advertising or Promoting Sale of Material as Obscene. G.S. 14-190.1(f). (3/2024)	J	I
238.12.1	Advertising or Promoting Sale of Material as Obscene in the Presence of a Minor. G.S. 14-190.1(f),(g). Felony. (3/2024)		H
238.13	Preparing Obscene [Films] [Photographs] [Slides] [Negatives] [Motion Pictures] of Himself or Another for the Purpose of Dissemination. G.S. 14-190.5(1). (12/1999)	Misd	Misd 1
238.13A	Preparing Obscene [Films] [Photographs] [Slides] [Negatives] [Motion Pictures] for the Purpose of Dissemination (Modeling or Assisting the Photographer). G.S. 14-190.5(2). (12/1999)	Misd	Misd 1
238.14	Intentionally [Employing] [Permitting] Minor to Assist in Obscenity Offense. G.S. 14-190.6. (12/1999)	I	I
238.15	Disseminating Obscene Material to Minors under the Age of Sixteen. G.S. 14-190.7. (12/1999)	I	I
238.16	Disseminating Obscene Material to Minors under the Age of Thirteen. G.S. 14-190.8. (12/1999)	H	I

		Before 10/1/94	On or After 10/1/94
238.17	Indecent Exposure. G.S. 14-190.9. (6/2006)	Misd	Misd 2
238.17A	Indecent Exposure to Minor for Purpose of Arousing or Gratifying Sexual Desire. G.S. 14-190.9. (2/2024)		
238.17B	Indecent Exposure to a Minor in a Private Residence of Which The Defendant is Not a Resident. G.S. 14-190.9(a4). (3/2024)		Misd 2
238.18	Displaying Material Harmful to Minors. G.S. 14-190.14. (12/1999)	Misd	Misd 2
238.19	Disseminating Harmful Material to Minors (Distribution). G.S. 14-190.15(a)(1). (12/1999)	Misd	Misd 1
238.19A	Disseminating Harmful Material to Minors (Allowing Minor to Review). G.S. 14-190.15(a)(2). (12/1999)	Misd	Misd 1
238.20	Exhibiting a Harmful Performance to Minors. G.S. 14-190.15(b). (12/1999)	Misd	Misd 1
238.21	First Degree Sexual Exploitation of a Minor (Using or Employing a Minor to Engage in or Assist Others in Engaging in Sexual Activity). G.S. 14-190.16(a)(1). (1/2000)	G	D
238.21A	First Degree Sexual Exploitation of a Minor (Permitting a Minor to Engage in Sexual Activity for Live Performance, etc.). G.S. 14-190.16(a)(2). (1/2000)	G	D
238.21B	First Degree Sexual Exploitation of a Minor by Transporting a Minor. G.S. 14-190.16(a)(3). (1/2000)	G	D
238.21C	First Degree Sexual Exploitation of a Minor by Photographing, etc. G.S. 14-190.16(a)(4). (1/2000)	G	D
238.22	Second Degree Sexual Exploitation of a Minor (Producing Material). G.S. 14-190.17(a)(1). (1/2000)	H	F
238.22A	Second Degree Sexual Exploitation of a Minor (Circulating Material). G.S. 14-190.17(a)(2). (1/2000)	H	F
238.22B	Third Degree Sexual Exploitation of a Minor. G.S. 14-190.17A. (6/2015)	J	I
238.23	Promoting Prostitution of a Minor (Enticing Prostitution). G.S. 14-190.18(a)(1). (6/2014)	G	D
238.23A	Promoting Prostitution of a Minor (Supervising Prostitution). G.S. 14-190.18(a)(2). (6/2014)	G	D
238.23C	Patronizing a Prostitute, a Minor. G.S. 14-205.2. (6/2014)		Misd 1, D, F, G
238.24	Participating in Prostitution of a Minor. G.S. 14-190.19(a). (6/2014)	H	F
238.26A	Solicitation for Prostitution with a Minor. G.S. 14-204(5), 14-205.1. (6/2014)		Misd 1, E, G, H
238.30	Solicitation of a [Child] [Person Defendant Believed to Be a Child] by [Computer] [a Device Capable of Electronic Data [Storage] [Transmission]] to Commit a Sex Act. G.S. 14-202.3. (6/2017)		H
238.35	Solicitation of a [Child] [Person Defendant Believed to Be a Child] by [Computer] [a Device Capable of Electronic Data [Storage] [Transmission]] to Commit a Sex Act and Appearing at Location. G.S. 14-202.3(c)(2). (6/2017)		G
238.40	DELETE SHEET. Solicitation of a Child by [Computer] [Device Capable of Electronic Data [Storage] [Transmission]] to Commit an Unlawful Sex Act. G.S. 14-202.3 (6/2017)		H, G
239.10	Protection of Minors. [Selling] [Giving] a Weapon to a Minor. G.S. 14-315. (11/1999)	-	H, Misd 1

		Before 10/1/94	On or After 10/1/94
239.11	Improper Storage of Firearms to Protect Minors. G.S. 14-315.1. (8/1999)	Misd	Misd 1
239.20	Permitting a Child Under the Age of Twelve to Use a Dangerous Firearm. G.S. 14-316. (6/2014)	Misd	Misd 2
239.21	Furnishing a Young Child a Dangerous Firearm—Nonparent. G.S. 14-316. (Delete Sheet) (6/2014)	Misd	Misd 2
239.23	Possession of Handguns by Minors. (6/2012)		Misd 1
239.25	Contributing to the Delinquency and Neglect by Parents and Others. G.S. 14-316.1; 7B-101(1), (15); 7B-1501(7), (27). (6/2019)	Misd	Misd 1
239.30	Child Care Facility Report of Missing Child. G.S. 110-102.1(a). (10/2013)		
239.31	Concealment of Death—Failure to Notify Law Enforcement of Death of Child or Secretly Burying Child. G.S. 14-401.22(a1). (6/2014)		H
239.32	Failure to Report the Disappearance of a Child to Law Enforcement. G.S. 14-318.5. (6/2014)		I
239.33	False Reports to Law Enforcement [Agency] [Officer] Related to the Disappearance of a Child. G.S. 14-225(b). (6/2014)		Misd 2, H
239.34	False Reports to Law Enforcement [Agency] [Officer]. G.S. 14-225(a). (6/2014)		Misd 2
239.35	Failure to Report [Abuse] [Neglect] [Dependency] [Death] Due to Maltreatment of a Juvenile. G.S. 7B-301(a), (b). (6/2019)		Misd 1
239.36	Failure of Department of Social Services Director to Notify the State Bureau of Investigations of a Report of Sexual Abuse of a Juvenile in a Child Care Facility. G.S. 7B-301(a), (c) (6/2014)		Misd 1
239.37	Failure to Report Crimes Against Juveniles. Misdemeanor. (6/2020)		Misd 1
239.55	Felonious Child Abuse. G.S. 14-318.4(a); 14-318.2. (6/2009)	H, Misd	E, Misd 1
239.55A	Felonious Child Abuse by Prostitution. G.S. 14-318.4(a1). (5/2000)	H	E
239.55B	Felonious Child Abuse by a Sexual Act by a [Parent] [Legal Guardian]. G.S. 14-318.4(a2). (6/2020)	H	H
239.55C	Felonious Child Abuse (Reckless Disregard—Serious Bodily Injury). G.S. 14-318.4(a4); 14-318.2. (6/2014)		E
239.55D	Felonious Child Abuse (Reckless Disregard—Serious Physical Injury). G.S. 14-318.4(a5); 14-318.2 (6/2014)		
239.56	Child Abuse by a Person Other Than a Parent. Misdemeanor. (6/2023)		H
239.57	Felonious Child Abuse [Inflicting Serious Bodily Injury] [Resulting in Permanent or Protracted Loss or Impairment of any Mental or Emotional Function]. G.S. 14-318.4(a3). (6/2009)		C
239.60	Child Abuse. G.S. 14-318.2. (6/2023)	Misd	Misd 1
239.65	Permitting a Child under 16 Years of Age to [Operate] [Be a Passenger on] a Bicycle without a Protective Bicycle Helmet. G.S. 20-171.9. (2/2002)		Infraction
239.70	Failure to Secure a Child in a Restraint System. G.S. 20-137.1. (2/2005)		Infraction
239.80	[Transporting] [Keeping] Child Outside the State with Intent to Violate Custody Order. G.S. 14-320.1. (5/2000)	J	I

239.90	Felonious Unauthorized Administration of Medication to a Child. G.S. 110-102.1A. (4/2004)		F, Misd A1
239.91	Unauthorized Administration of Medication to a Child. G.S. 110-102.1A. (4/2004)		Misd A1
239.95	Distribution of Certain [Food] [Beverage] Prohibited—Controlled Substance. G.S. 14-401.11. (6/2020)		F
239.96	Distribution of Certain [Food] [Beverage] Prohibited—Noxious Substances; Greater Than Mild Physical Discomfort. G.S. 14-401.11. (6/2020)		H
239.97	Distribution of Certain [Food] [Beverage] Prohibited—Noxious Substances; Mild Physical Discomfort. G.S. 14-401.11. (6/2020)		I
239.98	Distribution of Certain [Food] [Beverage] Prohibited—Poisonous Chemical, Compound, or Foreign Substance. G.S. 14-401.11. (6/2020)		C
Protection of Family.			
240.05	Abandonment by Supporting Spouse. G.S. 14-322(b). (5/2000)	Misd	Misd 2
240.06	Failure to Support Child. G.S. 14-322(d). (5/2000)	Misd	Misd 2
240.07	Felonious Abandonment and Lesser Included Offense of Failure to Support by Parent. G.S. 14-322.1, -322(d). (6/2014)	I, Misd	I, Misd 2
240.10	Failure of Supporting Spouse to Provide Adequate Support for Dependent Spouse. G.S. 14-322(c). (5/2000)	Misd	Misd 2
240.40	Willful Neglect or Refusal to Adequately Support and Maintain a Child Born Out of Wedlock. G.S. 49-2. (6/2014)	Misd	Misd 2
240.50	Violation of Valid Protective Order. G.S. 50B.4.1(a). (6/2016)		Misd A1
240.51	Violation of a Protective Order While in Possession of a Deadly Weapon. G.S. 50B-4.1(g). (6/2016)		H
240.55	Felonious Violation of Valid Protective Order. G.S. 50B.4.1(f). (6/2009)		H
240.60	Violation of Permanent Civil No-Contact Order. G.S. 50D-10. (6/2016)		
240.70	Domestic Abuse of a [Disabled] [Elder] Adult Inflicting [Mental] [Physical] Injury. G.S. 14-32.3. (6/2015)		II, H
240.71	Domestic Neglect of a [Disabled] [Elder] Adult Inflicting [Mental] [Physical] Injury. G.S. 14-32.3 (6/2015)		I, H
240.75	Domestic Abuse of a [Disabled] [Elder] Adult Inflicting Serious [Mental] [Physical] Injury. G.S. 14-32.3. (6/2015)		F
240.76	Domestic Neglect of a [Disabled] [Elder] Adult Inflicting Serious [Mental] [Physical] Injury. G.S. 14-32.3 (6/2015)		F
240.80	[Employee] [Volunteer] At a [Care] [Treatment] [Habilitation] [Rehabilitation] Facility of Individuals With [Mental Illness] [Developmental Disabilities] [Substance Abuse Disorders] Causes [Pain] [Injury] to a Client Other Than as Part of a Generally Accepted [Medical] [Therapeutic] Procedure. G.S. 122C-66(a). (6/2016)		Misd A1
240.82	[Employee] [Volunteer] at a Facility Who [Borrows] [Takes] Personal Property From a Client. G.S. 122C-66(a1). (6/2016)		Misd 1
240.84	[Employee] [Volunteer] at a Facility Failed to Report Violations of Client Abuse. G.S. 122C-66(b). (6/2016)		Misd 1

240.86	[Employee] [Volunteer] at a Facility Failed to Report Violations of [Borrowing] [Taking] Client Property. G.S. 122C-66(a1)-(b). (6/2016)		Misd 1
240.88	[Employee] [Volunteer] at a Facility Failed to Report Accidental Injury to a Client. G.S. 122C-66(b). (6/2016)		Misd A1
240.90	Furnishing False Information on an Employment Application to a Child Care Institution. Misdemeanor. (6/2021)		
Intoxicating Liquors.			
241.05	Manufacturing Poisonous Spirituous Liquor for Use as a Beverage. G.S. 14-329(a). (8/2000)	H	H
241.10	Selling Spirituous Liquor for Use as a Beverage Knowing It to Be Poisonous. G.S. 14-329(b). (8/2000)	H	F
241.11	[Transporting for Other Than Personal Use] [Possessing for Purpose of Sale] of Spirituous Liquor for Use as a Beverage Knowing It to Be Poisonous. G.S. 14-329(b). (8/2000)	H	F
241.15	Selling Poisonous Spirituous Liquor for Use as a Beverage. G.S. 14-329(c). (8/2000)	Misd	Misd 2
241.16	[Transporting for Other Than Personal Use] [Possessing for Purpose of Sale] Poisonous Spirituous Liquor. G.S. 14-329(c). (8/2000)	Misd	Misd 2
241.20	[Transportation] [Possession] of Poisonous Spirituous Liquor for Use as a Beverage. G.S. 14-329(d). (8/2000)	Misd	Misd 1
242.10	Intentional Patient Abuse Resulting in Death. G.S. 14-32.2(a)-(b)(1). (6/2008)		C
242.15	Culpably Negligent Patient Abuse Resulting in Death. G.S. 14-32.2(a)-(b)(2). (6/2008)		E
242.20	Patient Abuse Resulting in Serious Bodily Injury. G.S. 14-32.2(a)-(b)(3). (6/2008)		F
242.25	Pattern of Patient Abuse Resulting in Bodily Injury. G.S. 14-32.2(a)-(b)(4). (6/2008)		H
Cruelty to Animals.			
247.10	Non-Felonious Cruelty to (an) Animal(s). G.S. 14-360(a). (6/2017)	Misd	Misd 1
247.10A	Felonious Cruelty to (an) Animal(s). G.S. 14-360(b). (6/2017)		H
247.10B	Misdemeanor Cruelty to Animals by Depriving of Necessary Sustenance. G.S. 14-360(a1). (6/2008)		Misd 1
247.15	Willful Killing of [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal. G.S. 14-163.1. (6/2010)		H
247.15A	[Causing] [Attempting to Cause] Serious Harm to a [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal. G.S. 14-163.1. (6/2010)		I
247.15B	Willfully [Taunting] [Teasing] [Harassing] [Delaying] [Obstructing] [Attempting to [Delay] [Obstruct]] a [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal in the Performance of its Duties. G.S. 14-163.1. (6/2010)		Misd 2
247.20	Instigating or Promoting Cruelty to (an) Animal(s). G.S. 14-361. (6/2017)	Misd	Misd 1
247.30	Cockfighting. G.S. 14-362. (1/2001)	Misd	Misd 2
247.31	Dog Fighting and Baiting. G.S. 14-362.2. (6/2008)		H

247.40	Interference with Animal Research Involving Release of an Animal Having an Infectious Disease. G.S. 14-159.2(a)(1), (b), (c). (12/2000)	J, Misd	I, Misd 1
247.50	Interference with Animal Research—Willfully Damaging an Animal Research Facility. G.S. 14-159.2(a)(2). (8/2000)	Misd	Misd 1
247.60	Interference with Animal Research—Willful, Unauthorized Release of an Animal from an Enclosure or Restraining Device. G.S. 14-159.2(a)(3). (12/2000)	Misd	Misd 1
247.70	Interference with Animal Research—Willful Interference with the Care of an Animal Kept within an Animal Research Facility. G.S. 14-159.2(a)(4). (12/2000)	Misd	Misd 1
247.80	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Venomous Reptile not Housed in a Sturdy and Secure Enclosure. G.S. 14-417. (6/2020)		Misd 2, Misd A1
247.80A	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Crocodilian not Housed in a Sturdy and Secure Enclosure. G.S. 14-417.2. (6/2020)		Misd 2, Misd A1
247.80B	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Large Constricting Snake not Housed in a Sturdy and Secure Enclosure. G.S. 14-417.1. (6/2020)		Misd 2, Misd A1
247.81	Failure to Immediately Notify Local Law Enforcement of Escape of [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-417. (6/2010)		Misd 2, Misd A1
247.82	Handling a [Venomous Reptile] [Large Constricting Snake] [Crocodilian] in a Manner That [Intentionally] [Negligently] Exposes Another to Unsafe Contact with the [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-418. (6/2010)		Misd 2, Misd A1
247.83	Intentionally Releasing into the Wild a Nonnative [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-422. (6/2010)		Misd A1
247.84	[Intentionally] [Negligently] [[Suggesting] [Enticing] [Inviting] [Challenging] [Intimidating] [Exhorting] [Inducing] [Aiding]] Any Person to [Handle] [Be Exposed] in an Unsafe Manner to a [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-418. (6/2010)		Misd 2, Misd A1
252.65	Miscellaneous Police Regulations. Tattooing a Minor. G.S. 14-400. (8/2000)	Misd	Misd 2
254A.10	Felony Firearms. Possession of a Weapon of Mass Death and Destruction. (6/2021)		F
254A.11	Possession of a Firearm or Weapon of Mass Death and Destruction by a Felon. G.S. 14-415.1. (6/2023)		G
254A.15	[Altering] [Defacing] [Destroying] [Removing] the Serial Number of a Firearm. G.S. 14-160.2 (6/2010)		H
254A.17	[Selling] [Buying] [Possessing] Firearm with Serial Number [Altered] [Defaced] [Destroyed] [Removed]. G.S. 14-160.2 (6/2010)		H
254A.19	Purchase or Possession, or Attempted Purchase or Possession of Firearms by Person Subject to Domestic Violence Protective Order. (6/2022)		H

		<u>Offense Classification</u>	
		Before	On or After
		10/1/94	10/1/94
	Miscellaneous.		
255.01	Felonious Willful Failure to Appear. G.S. 15A-543. (12/2000)		I
255.02	Misdemeanor Willful Failure to Appear. G.S. 15A-543. (12/2000)	Misd	Misd 2
255.03	Failure to Appear (Alcohol-Related Offenses). G.S. 20-28(a2). (6/2007)		Misd 1
256.10	Intoxicated and Disruptive in Public. G.S. 14-444. (12/2000)	Misd	Misd 3
257.10	Willfully Violating Occupational Safety and Health Act of North Carolina Resulting in Death of an Employee. G.S. 95-139. (6/2010)		Misd 2
257.11	Knowingly Making a False [Statement] [Representation] [Certification] in a(n) [Application] [Record] [Report] [Plan] [Document] Required to be [Filed] [Maintained] Pursuant to the Occupational Safety and Health Act of North Carolina. G.S. 95-139. (6/2010)		Misd 2
257.12	Giving Advance Notice of OSHA Inspection Without Authorization. G.S. 95-139. (6/2010)		Misd 2
258.10	Failure of Secondary Metals Recycler to Issue Receipt for Purchase of Regulated Metals Property. G.S. 66-11(a1). (6/2010)		Misd 1, I
258.12	Failure of Secondary Metals Recycler to Maintain Records of Purchases of Regulated Metals. G.S. 66-11(b). (6/2010)		Misd 1, I
258.14	Failure to Hold and Retain Regulated Metals for Seven Days Before [Selling] [Dismantling] [Defacing] [Altering] [Disposing of] Regulated Metals. G.S. 66-11(d1). (6/2010)		Misd 1, I
258.16	Purchase of [Air Conditioning [Coils] [Condensers]] [Catalytic Converter] by Secondary Metals Recycler. G.S. 66-11(d)(3). (6/2010)		Misd 1, I
258.17	Possession of a Catalytic Converter Removed from a Motor Vehicle. Felony. (6/2023)		
258.18	Purchase of Nonferrous Metal by Secondary Metals Recycler. G.S. 66-11(d)(4). (6/2010)		Misd 1, I
258.20	Purchase of Prohibited Material by Secondary Metals Recycler. G.S. 66-11(d)(5). (6/2010)		Misd 1, I
258.30	Erecting or Maintaining Signs on Highways. (6/2012)		Misd 3
258.31	Erecting or Maintaining Political Advertising Signs in Highway Rights of Way. G.S. 136-32(a), (b), (c), (d). (6/2012)		Misd 1, 3
258.32	Erecting or Maintaining Commercial Advertising Signs in Highway Rights of Way. G.S. 136-32(a), (d). (6/2012)		Misd 1
258.33	[Stealing] [Defacing] [Vandalizing] [Unlawfully Removing] Political Signs That Are Lawfully Placed. G.S. 136-32(a), (b), (c), (d), (e). (6/2012)		Misd 3
258.35	Removal or Destruction of Warning Signs—Water Quality in Coastal Recreation Waters. G.S. 113-221.3(b), (c), (d). (6/2012)		Misd 2
258.36	Possession of Signs Posted by Department of Environment and Natural Resources—Water Quality in Coastal Recreation Waters. G.S. 113-221.3(b), (c), (d). (6/2012)		Misd 2
259.10	Unauthorized Practice of Medicine—Practicing Without a License. G.S. 90-18. (6/2012)		Misd 1

259.11	Unauthorized Practice of Medicine—Practicing Without a License While Representing Oneself as Being Licensed. G.S. 90-18. (6/2012)	I
259.12	Unauthorized Practice of Medicine—Practicing Without a License in North Carolina By an Out-of-State Practitioner. (G.S. 90-18). (6/2012)	I
259.13	Unauthorized Practice of Medicine—Practicing Without a License Due to Failure to Complete Timely Annual Registration or Practice While Licensed Under Another Article. G.S. 90-18. (6/2012)	Misd 1
259.20	Unauthorized Practice of Law—Non-Members of the State Bar. G.S. 84-4. (6/2017)	Misd 1
259.21	Unauthorized Practice of Law—Corporations. G.S. 84.5. (6/2012)	Misd 1
259.22	Unauthorized Practice of Law—Foreclosure Fees. G.S. 84.6. (6/2012)	Misd 1
259.23	Unauthorized Practice of Law—Appearing for Creditors in [Insolvency] [Bankruptcy] and Other Proceedings. G.S. 84.9. (6/2012)	Misd 1
259.30	Practice as a Clinical Addiction Specialist Without a License. G.S. 90-113.43(a)(1). (6/2020)	Misd 1
259.31	Practice as a Clinical Addiction Specialist Without a License—Using [Letters] [Words] [Numerical Codes] [Insignia]. G.S. 90-113.43(a)(2). (6/2020)	Misd 1
259.32	[Practice] [Attempt to Practice] as a Clinical Addiction Specialist With a [Revoked] [Lapsed] [Suspended] Certification or License. G.S. 90-113.43(a)(3). (6/2020)	Misd 1
259.33	[Aiding] [Abetting] [Assisting] the Practice of a Clinical Addiction Specialist Without a License. G.S. 90-113.43(a)(4). (6/2020)	Misd 1
259.34	Knowingly Serving in a Position Required by Law to Be Filled by a Clinical Addiction Specialist. G.S. 90-113.43(a)(5). (6/2020)	Misd 1
259.40	Bank Examiner Making False Report. G.S. 53C-8-7. (6/2013)	H
259.41	[Bank Examiner] [Other Employee] Disclosing Confidential Information. G.S. 53C-8-8. (6/2013)	Misd 1
259.42	Willfully and Maliciously Making [False] [Derogatory] Reports about the Financial Condition of a Bank. G.S. 53C-8-10. (6/2013)	Misd 1
259.43	[Bank] [Officer] [Director] [Employee] Making Extension of Credit to a Disqualified Individual. G.S. 53C-8-9. (6/2013)	Misd 1
259.50	Attempt to [Evade] [Defeat] Tax. G.S. 105-236(a)(7). (6/2016)	H
259.51	Willful Failure to [Collect] [Withhold] [Pay Over] Tax. G.S. 105-236(a)(8). (6/2016)	Misd 1
259.52	Willful Failure to [Make a Return] [Supply Information] [Pay Tax]. G.S. 105-236(a)(9). (6/2016)	Misd 1
259.53	[Aiding] [Assisting] [Procuring] [Counseling] [Advising] in the [Preparation] [Presentation] [Filing] of a [Fraudulent] [False] Tax Document by a Tax Return Preparer. G.S. 105-236(a)(9a). (6/2016)	C, F, H
259.53A	[Aiding] [Assisting] [Procuring] [Counseling] [Advising] in the [Preparation] [Presentation] [Filing] of a [Fraudulent] [False] Tax Document by Any Person Other Than a Tax Return Preparer. G.S. 105-236(a)(9a). (6/2016)	C, F, H
259.55	Identity Theft—Submission to the Department of Revenue. G.S. 105-236(a)(9b). (6/2018)	

259.57	Identity Theft—Submission to the Department of Revenue Resulting in Adverse Financial Impact. G.S. 105-236(a)(9b). (6/2018)		
259.60	Unlawful Handling of Waste Kitchen Grease. G.S. 14-79.2. (6/2013)		H, Misd 1
259.70	Medicaid Subrogation—Withholding Information. G.S. 108A-57(b). (6/2014)		Misd 1
259.80	Misuse of 911 System. G.S. 14-111.4. (6/2014)		Misd 1
259.85	Subsurface Injection of Waste. G.S. 113-395.2, 143-214.2. (6/2015)		Misd 1
259.90	Member of a [County] [City] Inspection Department Who Willfully [Fails to Perform Duties] [Improperly [Issues Permit] [Gives Certificate of Compliance Without First Making the Required Inspections by Law] [Improperly Gives a Certificate of Compliance]. G.S. 153A-356; 160A-416. (6/2016)		Misd 1
259.95	Illegal Operation of Amusement Devices Causing [Death] [Serious Injury]. G.S. 95-111.13. (6/2016)		E
259.97	[Counterfeiting] [Selling] [Lending] [Permitting Use of] Photo Identification for Voting. G.S. 163A-1389(19). (6/2019)		I
259.98	Voting More Than One Time in an Election with Verdict Form. G.S. 163-275(7). (6/2017)		
259.98 App.	Voting More Than One Time in an Election—Verdict Form. G.S. 163-275(7). (6/2017)		
	Dangerous Drugs.		
260.10	260 Series—Directory of Dangerous Drug Charges. (6/1996) Possession of a Controlled Substance. G.S. 90-95(a)(3)(d). (6/2014)	I, Misd	I, Misd 1, Misd 2, 3
260.11	Aggravated Possession of a Controlled Substance—Including Lesser Offenses. G.S. 90-95. (6/2014)	I, Misd	I, Misd 1, Misd 2, 3
260.12	Possession of a Controlled Substance on Premises of a [Penal Institution] [Local Confinement Facility]. G.S. 90-95(a)(3), (e)(9). (6/2021)	I	I*
260.15	Possession of a Controlled Substance with Intent to [Manufacture] [Sell] [Deliver]—Lesser Included Offense. G.S. 90-95(a)(1), (3), (b), (d). (6/2014)	H, I, Misd	H, I, Misd 1, Misd 2, 3
260.15A	Possession of a Counterfeit Controlled Substance with Intent to [Sell] [Deliver]. G.S. 90-87(6) and 90-95(a)(2), (c). (6/2014)	I	I
260.15B	Possession of an Immediate Precursor Chemical. G.S. 90-95(d1), (d2). (12/2004)	H	H
260.16	Aggravated Possession of a Controlled Substance with Intent to [Manufacture] [Sell] [Deliver]—Lesser Included Offenses. G.S. 90-95(a)(1), (b)(2), (e)(1-4). (6/2014)	E, H, I, Misd	E, H, I, Misd 1,2,3
260.17	Drug Trafficking—Possession (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones,	C, D, E	D, D, E

* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

	or Synthetic Cannabinoid). G.S. 90-95(h). (6/2023)	F, G, H	F, G, H
260.18	Forged Prescription—Acquiring or Obtaining Possession of a Controlled Substance by [Misrepresentation] [Fraud] [Forgery] [Deception] [Subterfuge]. G.S. 90-108(a)(10). (6/2014)	I	I
260.19	Manufacturing a Controlled Substance. G.S. 90-95(a)(1). (1/2001)	H, I	H, I
260.19A	Creating a Counterfeit Controlled Substance. G.S. 90-95(a)(2) and 90-87(b). (1/2001)	I	I
260.20	Aggravated Manufacture of Controlled Substance—Lesser Included Offense. G.S. 90-95(a)(1), (e)(1–4). (1/2001)	Misd	Misd 1, 2
260.20A	Drug Trafficking—Manufacturing (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones, or Synthetic Cannabinoid). G.S. 90-95(h). (6/2023)	C, D, E, F, G, H	C, D, E, F, G, H
260.21	[Selling] [Delivering] a Controlled Substance. G.S. 90-95(a)(1). (1/2001)	H, I	H, I*
260.21A	[Selling] [Delivering] a Counterfeit Controlled Substance. G.S. 90-95(a)(2) and 90-87(6). (1/2001)	I	I
260.21A.1	Feloniously [Making] [Distributing] [Possessing] a Thing Designed To Print An Identifying Mark Upon Any Drug or Container to Render it a Counterfeit Controlled Substance.— Lesser Included Offense. Felony; Misdemeanor. G.S. 90-108(a)(12)(b) and 90.108(b). (2/2024)		I, Misd 1
260.21A.2	Feloniously [Possessing] [Manufacturing] [Distributing] [Exporting] [Importing] Equipment Used to Create a Counterfeit Controlled Substance.—Lesser Included Offense. Felony; Misdemeanor. G.S. 90-108(a)(12)(a) and 90-108(b). (2/2024)		I, Misd 1
260.21A.3	Feloniously [Possessing] [Manufacturing] [Distributing] [Exporting] [Importing] Equipment Used to Manufacture a [Controlled Substance] [Listed Chemical].—Felony. G.S. 90-108(a)(12a) and 90-108(b)(1a). (12/2023)		E
260.22	Sale or Delivery of a Controlled Substance to a Minor or Pregnant Woman—Lesser Included Offense. G.S. 90-95(a)(1), (e)(5). (1/2001)	E, H, I	E, H
260.22A	Sale or Delivery of a Controlled Substance on or within 1,000 Feet of School Property. G.S. 90-95(e)(8). (6/2012)		E
260.22B	Sale or Delivery of a Controlled Substance on or within 1,000 Feet of a Public Park. G.S. 90-95(e)(10). (6/2008)		E
260.22C	Sale or Delivery of a Controlled Substance on Property Used for a Child Care Center. G.S. 90-95(e)(8). (6/2008)		E
260.23	Drug Trafficking—[Selling] [Delivering] (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones or Synthetic Cannabinoid). G.S. 90-95(h). (6/2023)	C, D, E, F, G, H	C, D, E, F, G, H

* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

260.30	Drug Trafficking—Transportation (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones, or Synthetic Cannabinoid). G.S. 90-95(h). (6/2023)	C, D, E, F, G, H	C, D, E, F, G, H
260.40	Employing a Minor to Commit a Drug Law Violation. G.S. 90-95.4. (1/2001)		
260.41	Promoting Drug Sales by a Minor. G.S. 90-95.6. (1/2001)		D
260.42	Participating in a Drug Violation by a Minor. G.S. 90-95.7. (3/2001)		G
260.45	General Aggravating Conditions Applicable to Drug Charges. G.S. 90-95(d), (e)(1-5). (12/2003)		
260.70	Continuing Criminal Enterprise—The Controlled Substances Act. G.S. 90-95.1. (3/2001)	C	C
260.80	Feloniously Dispensing a Controlled Substance (Practitioner or Registrant)—Lesser Included Offense. G.S. 90-108(a)(2) and (b); 90-106. (3/2001)	I, Misd	I, Misd 1
260.81	Feloniously [Diverting] [Embezzling] a Controlled Substance (Practitioner, Registrant, or Employee). G.S. 90-108(b)(2) and 90-108(a)(14). (6/2019)		E
260.82	Feloniously [Diverting] [Embezzling] a Controlled Substance by [Dilution] (or) [Substitution] (Practitioner, Registrant, or Employee). G.S. 90-108(b)(3) and 90-108(a)(14). (6/2019)		E
260.83	Feloniously [Diverting] [Embezzling] a Controlled Substance (by Virtue of Occupation). G.S. 90-108(b)(2) and 90-108(a)(15). (6/2019)		E
260.84	Feloniously [Diverting] [Embezzling] a Controlled Substance by [Dilution] (or) [Substitution] (by Virtue of Occupation). G.S. 90-108(b)(3) and 90-108(a)(15). (6/2019)		E
260.85	Felonious Use of Controlled Substances Reporting System—Unauthorized [Disclosure] [Dissemination]. G.S. 90-113.74(k)(2). (6/2019)		I
280.86	Felonious Use of Controlled Substances Reporting System—[Commercial Advantage] [Personal Gain] [Maliciously Harm]. G.S. 90-113.74(k)(3). (6/2019)		H
260.87	Felonious Use of Controlled Substances Reporting System for an Unauthorized Purpose. G.S. 90-113.74(k)(1). (6/2019)		I
260.90	[Intentionally] [Knowingly] [Keeping] [Maintaining] a Building or Vehicle for the [Use] [Keeping] [Selling] of Controlled Substances. G.S. 90-108(a)(7). (6/2009)	I, Misd	I, Misd 1
260.95	[Possession] [Use] of Drug Paraphernalia. G.S. 90-113.22. (6/2014)	Misd	Misd 1
260.96A	Willfully and Knowingly Offering a [Glass Tube] [Splitter] for Retail Sale by Self-Service. G.S. 90-113.82(a). (6/2010)		Misd 2
260.96B	Failure to Comply with Restrictions on Sales of [Glass Tubes] [Splitters]. G.S. 90-113.82(b). (6/2010)		Misd 1
260.96C	Failure to Maintain Records of Purchasers of [Glass Tubes] [Splitters]. G.S. 90-113.82(c). (6/2010)		Misd 2
260.96D	Failure to Train Agents and Employees on Requirements of Sales of [Glass Tubes] [Splitters]. G.S. 90-113.82(e). (6/2010)		Misd 2

261.10	Adulterating a [Urine] [Bodily Fluid] Sample with the Intent to Defraud a [Drug] [Alcohol] Test. G.S. 14-401.20(b). (4/2003)		Misd 1, I
261.20	Attempt to [Foil] [Defeat] a [Drug] [Alcohol] Screening Test by the [[Substitution] [Spiking] of a Urine Sample] [Advertisement of a [Sample Substitution] [Spiking Device or Measure]]. G.S. 14-401.20(a)(2). (4/2003)		Misd 1, I
261.30	Distributing or Transporting Urine to Defraud a [Drug] [Alcohol] Test. G.S. 14-401.20. (4/2003)		Misd 1, I
261.40	[Possessing] [Selling] Adulterants Intended to Be Used to Adulterate a [Urine] [Bodily Fluid] Sample for the Purpose of Defrauding a [Drug] [Alcohol] Screening Test. G.S. 14-401.20(b)(2), (3). (4/2003)		Misd 1, I
261.50	Pseudoephedrine Sales—Retailer. G.S. 90-113.56. (6/2013)		Misd A1, I
261.51	Pseudoephedrine Sales—Purchaser. G.S. 90-113.56. (6/2013)		Misd 1, A1, I
261.52	Pseudoephedrine Sales—[Employee of Retailer] [Other Person]. G.S. 90-113.56. (6/2013)		Misd 1, A1, I
261.53	Pseudoephedrine Sales—Retailer Who Fails to Train Employees. G.S. 90-113.56. (6/2012)		Misd A1, I
261.55	Possession of a Pseudoephedrine Product with Prior Conviction for the [[Possession] With Intent to [Sell] [Deliver]] [Trafficking] [Manufacture of] a [Methamphetamine] [Immediate Precursor Chemical]. G.S. 90-95(d1)(1)(c). (6/2016)		H
261.60	[Manufacturing] [Distributing] [Dispensing] [Delivering] [Purchasing] Marijuana on Property Lawfully Used for Industrial Hemp Production. G.S. 106-568.57(a). (6/2017)		I
261.65	Providing [False] [Misleading] Information to the Industrial Hemp Commission Concerning a [License [Application] [Renewal]] [Inspection] [Investigation]. G.S. 106-568.57(b). (6/2017)		Misd 1
261.70	[Tampering With] [Adulterating] a Lawfully Planted Industrial Hemp Crop. G.S. 106-568.57(c). (6/2017)		Misd 1
	Traffic Offenses.		
270.00	Model Jury Instruction. (6/2011)		
270.05	Punishment Levels for Impaired Driving. (1/1995)		
270.05A	Punishment Levels for Impaired Driving. (1/1999)		
270.15	Aggravating Factors for Impaired Driving. G.S. 20-179. (6/2016)		
270.15A	Verdict Form—Aggravating Factors for Impaired Driving. G.S. 20-179. (6/2016)		
270.20	Impaired Driving. G.S. 20-138.1. (6/2010)	Misd	Misd
270.20A	Impaired Driving. G.S. 20-138.1. (6/2022)		Misd 1
270.21	Impaired Driving in a Commercial Vehicle. G.S. 20-138.2 and -138.2A. (6/2010)		Misd 1
270.21A	Impaired Driving in a Commercial Vehicle. G.S. 20-138.2 and -138.2A. (6/2022)		Misd 1

		Before 10/1/94	On or After 10/1/94
270.23	Operating a [School Bus] [School Activity Bus] [Child Care Vehicle] [Ambulance] [EMS Vehicle] [Firefighting Vehicle] [Law Enforcement Vehicle] After Consuming Alcohol. G.S. 20-138.2B(a). (6/2014)		Misd 3
270.25	Habitual Impaired Driving—Including Chemical Test. G.S. 20-138.5. (6/2015)	J	F
270.25A	Habitual Impaired Driving—Including Chemical Test. G.S. 20-138.2A. (6/2022)	J	F
270.30	Driving by a Person Less Than 21 Years Old [While] [After] Consuming Alcohol or Drugs. G.S. 20-138.3. (5/1999)	Misd	Misd 2
270.35	Possession of an Open Container of Alcoholic Beverage. G.S. 20-138.7(a1). (6/2014)		Infraction
270.40	Transporting an Open Container of Alcoholic Beverage. G.S. 20-138.7(a). (6/2010)		Misd 2, Misd 3
270.50	Speeding in Excess of [15 mph More Than Speed Limit] [80 mph]. G.S. 20-141(j1). (5/2001)	Misd, Infraction	Misd 2, Infraction
270.51	Driving Too Fast for Conditions. G.S. 20-141(a). (4/2001)	Infraction	Infraction
270.52	Speeding Inside Municipal Corporate Limits—No Limit Posted. G.S. 20-141(b). (3/2001)	Infraction	Infraction
270.53	Exceeding the Posted Speed Limit. G.S. 20-141(d), (e), (f). (4/2001)	Infraction	Infraction
270.54	Operating a Motor Vehicle to Elude Arrest. G.S. 20-141.5(a). (6/2021)	Misd	Misd 1
270.54A	Operating a Motor Vehicle to Elude Arrest. G.S. 20-141.5(a) and (b). (6/2021)		H, Misd 1
270.54B	Operating a Motor Vehicle to Elude Arrest Resulting in Death. G.S. 20-141.5(b1). (6/2006)		H
270.54C	Operating a Motor Vehicle to Elude Arrest Accompanied by Aggravating Factors Resulting in Death. G.S. 20-141.5(b1). (6/2006)		E
270.55	Willfully Engaging in a Speed Competition on a Street or Highway. G.S. 20-141.3(b). (3/2001)	Misd	Misd 1
270.56	Willfully Engaging in a Prearranged Speed Competition on a Street or Highway. G.S. 20-141.3(a). (3/2001)	Misd	Misd 2
270.57	Failure to Decrease Speed to Avoid Accident (Failure to Slow Down). G.S. 20-141(m). (6/2020)		Infraction
270.58	Turning at Intersections. G.S. 20-153. (4/2001)	Infraction	Infraction
270.59	Turning at Intersections—Local Ordinance. G.S. 20-153(c). (4/2001)		
270.60	Unsafe Movement (Starting, Stopping, or Turning). G.S. 20-154. (6/2014)	Infraction	Infraction
270.60A	Unsafe Movement Causing [Property Damage] [Personal Injury] to a Motorcycle Operator. G.S. 20-154(a1). (6/2014)		Infraction
270.60B	Unsafe Movement Causing [Property Damage in Excess of Five Thousand Dollars (\$5,000)] [Serious Bodily Injury] to Motorcycle [Operator] [Passenger]. G.S. 20-154(a1), (a2). (6/2014)		Infraction
270.61	Unsafe Movement (Backing). G.S. 20-154. (6/2012)	Infraction	Infraction
270.61A	Unsafe Movement (Backing) Causing [Property Damage] [Personal Injury] to Motorcycle [Operator] [Passenger]. G.S. 20-154(a1). (6/2014)		Infraction
270.61B	Unsafe Backing Causing [Property Damage in Excess of Five Thousand Dollars (\$5,000)] [Serious Bodily Injury] to a		

		<u>Offense Classification</u>	Before	On or After
			10/1/94	10/1/94
	Motorcycle [Operator] [Passenger]. G.S. 20-154(a1), (a2). (6/2014)			Infraction
270.62	Willfully Covering Registration Plate. G.S. 20-63(g). (2/2005)			Misd 2
270.65	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle). G.S. 20-157(a); 20-125. (6/2013)	Misd		Misd 2
270.66	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle) Causing Serious Injury or Death to a Law Enforcement Officer, Firefighter, or Other Rescue Worker. G.S. 20-157(a), (i); 20-125. (6/2006)			I
270.67	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle) Causing Injury to a Law Enforcement Officer, Firefighter, or Other Rescue Worker. G.S. 20-157(a), (h); 20-125. (6/2006)			Misd 1
270.68	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle) Causing Damage to Property in Excess of \$500. G.S. 20-157(a), (h); 20-125. (6/2006)			Misd 1
270.70	Failure to Stop for a Traffic Control Signal. G.S. 20-158(b)(2). (12/2004)	Infraction		Infraction
270.71	Failure to Stop for Flashing Red Light. G.S. 20-158(b)(3). (4/2004)	Infraction		Infraction
270.72	Failure to Stop for Stop Sign. G.S. 20-158(b)(1). (4/2004)	Infraction		Infraction
270.73	Failure to Yield to a Pedestrian. G.S. 20-158(b). (3/2005)			
270.75	Passing Stopped School Bus. G.S. 20-217. (6/2006)	Misd		Misd 2
270.76	Passing Stopped School Bus—Striking a Person Causing Serious Bodily Injury. G.S. 20-217. (6/2010)			I
270.76A	Passing Stopped School Bus—Striking a Person Causing Death. G.S. 20-217. (6/2010)			H
270.77	Unlawful Use of Mobile Phone to [Manually Enter Multiple Letters or Text As a Means of Communicating with Another Person] [Read Any [Electronic Mail] [Text Message] [Transmitted to] [Stored Within] the Device] While Operating a School Bus. G.S. 20-137.4(a). (6/2010)			Misd 2
270.80	Reckless Driving—Carelessly and Heedlessly. G.S. 20-140(a). (5/2001)	Misd		Misd 2
270.81	Reckless Driving—Driving to Endanger. G.S. 20-140(b). (5/2001)	Misd		Misd 2
270.90	Failure to Maintain Lane Control. G.S. 20-146(d)(1). (6/2019)			Infraction
270A.10	Infliction of Serious Bodily Injury by Operation of Aircraft While Impaired (Flying High). G.S. 63-28. (6/2022)	H		F
270A.15	Operation of Aircraft While Impaired (Flying High). G.S. 63-27. (6/2022)	Misd		Misd 1
270A.20	Operating Vessel in Reckless Manner. G.S. 75A-10(a). (6/2008)			Misd 2
270A.25	Operating Vessel While under the Influence of an Impairing Substance. G.S. 75A-10(b1). (6/2022)			Misd 2
270A.27	[Recklessly] [Negligently] [Operating a [Motorboat] [Vessel]] [Manipulating [Water Skis] [A Surfboard.]]. G.S. 75A-10(a). (6/2017)			Misd 2
270A.27A	Manipulating [Water Skis] [A Surfboard] [Nonmotorized Vessel] [Similar Device] While Under the Influence of an Impairing Substance. G.S. 75A-10(b). (6/2022)			Misd 2

270A.27B	[Death] [Serious Injury] by Impaired Boating. G.S. 75A-10.3(a), (b), (f). (6/2022)		D
270A.27C	Aggravated [Death] [Serious Injury] by Impaired Boating. G.S. 75A-10.3(c), (d), (f). (6/2022)		D, F
270A.27D	Repeat Death by Impaired Boating. G.S. 75A-10.3(e), (f). (6/2022)		B2
270A.30	Improper Vessel Registration. G.S. 75A-4. (6/2009)		Misd 3
Non-Traffic Automobile Offenses.			
271.10	Driving a Motor Vehicle on a Highway While License Has Been Suspended or Revoked. G.S. 20-28. (5/2001)	Misd	Misd 1
271.12	Driving a Motor Vehicle on a Highway while License Has Been Revoked for Impaired Driving. G.S. 20-28(a1). (6/2018)		
271.15	Operating a Motor Vehicle in Violation of License Limitation. G.S. 20-7(e). (5/2001)	Misd	Misd 1
271.16	Operating a Motor Vehicle in Violation of a Limited Driving Privilege. G.S. 20-179.3(j). (5/2001)	Misd	Misd 1
271.21	Knowingly Permitting Motor Vehicle to Be Driven by a Person Having No Legal Right to Do So. G.S. 20-34; 20-35. (5/2001)	Misd	Misd 2
271.22	[Driving] Knowingly Permitting Another to Drive] a Vehicle That [Was Not Registered with the Division of Motor Vehicles] [Did Not Display a Current Registration Plate]. Misdemeanor. G.S. 20-111(1). (6/2011)		Misd 2
271.23	Sex Offender Driving [Commercial Passenger Vehicle] [School Bus]. G.S. 20-27.1. (6/2010)		F
271.25	[Receiving] [Transferring] a Stolen Vehicle with Intent to [Procure] [Pass] Title to That Vehicle. G.S. 20-106. (5/2001)	I	H
271.26	Possession of a Stolen Vehicle. G.S. 20-106. (6/2016)	I	H
271.28	Forging an Inspection [Sticker] [Receipt]. G.S. 20-183.8(c)(1). (6/2017)		I
271.28A	[Buying] [Selling] [Issuing] [Possessing] a Forged [Inspection Sticker] [Electronic Inspection Authorization]. G.S. 20-183.8(c)(2). (6/2017)		I
271.28B	Unlawfully [Buying] [Selling] [Issuing] [Possessing] an [Inspection Sticker] [Electronic Inspection Authorization]. G.S. 20-183.8(c)(3). (6/2017)		I
271.28C	Failing the [Safety] [Emissions] Inspection of a Vehicle for an Unlawful Reason. G.S. 20-183.8(c)(5). (6/2017)		I
271.28D	[Soliciting] [Accepting] Something of Value in Order to Pass a Vehicle That Fails [Safety] [Emissions] Inspection. G.S. 20-183.8(c)(4). (6/2017)		I
271.30	Willfully Injuring or Tampering with or Removing Parts from a Vehicle without the Consent of the Owner. G.S. 20-107(a). Misdemeanor. (6/2023)	Misd	Misd 2
271.31	[Climbing Into] [Attempting to or Setting in Motion] a Vehicle with Intent to Steal, Commit Malicious Injury, etc. G.S. 20-107(b). Misdemeanor. (6/2023)	Misd	Misd 2
271.34	[Failing] [Refusing] to Surrender to the Division of Motor Vehicles, Upon Demand, Any [Title Certificate] [Registration Card] [Registration Number Plate] Which Has Been [Suspended] [Cancelled] [Revoked]. Misdemeanor. G.S. 20-111(4) (6/2011)		Misd. 2

271.35	Alteration or Change of Engine or Other Number on a Vehicle. G.S. 20-109(a)(1). (5/2001)	Misd	I
271.36	Permitting the Alteration or Change of Engine or Other Numbers on a Vehicle. G.S. 20-109(a)(2). (5/2001)	Misd	I
271.37	Unlawful Placing or Stamping of a Serial or Other Number upon a Vehicle, Where Such Number Has Not Been Assigned to the Vehicle by the Division of Motor Vehicles. G.S. 20-109(a)(3). (5/2001)	Misd	I
271.38	Knowingly Permitting the Placing or Stamping of a Serial or Motor Number upon a Motor Vehicle by Its Owner, Where the Number Has Not Been Assigned to Such Vehicle by the Division of Motor Vehicles. G.S. 20-109(a)(4). (5/2001)	Misd	I
271.39	Alteration of a Serial or Motor Number Assigned to a Vehicle by the Division of Motor Vehicles with the Intent to Conceal or Misrepresent Its True Identity. G.S. 20-109(b)(1). (5/2001)	I	I
271.40	Permitting by Owner of a Vehicle the Alteration or Use of a Serial or Motor Number Assigned to That Vehicle by the Division of Motor Vehicles with the Intent to Conceal or Misrepresent Its True Identity. G.S. 20-109(b)(2). (5/2001)	I	I
271.41	Unlawful Use of a [Driver's License] [Learner's Permit] [Special Identification Card] Issued by the Division of Motor Vehicles. G.S. 20-30(a); 20-37.8(b). (2/2000)	-	I
271.42	Possession or Manufacture of Certain Fraudulent Forms of Identification. G.S. 14-100.1. (5/2002)		Misd 1
271.43	Willfully Displaying an Expired [License] [Registration Plate] on a Vehicle Knowing the Same to be Expired. G.S. 20-111(2). Misdemeanor. (6/2011)		Misd 2
271.44	[Displaying] [Causing to be Displayed] [Permitting to be Displayed] [Possessing] a [Registration Card] [Certificate of Title] [Registration Number Plate] That Is [Fictitious] [Has Been [Cancelled] [Revoked] [Suspended] [Altered]]. Misdemeanor. G.S. 20-111(2). (6/2011)		Misd 2
271.45	Performing [Safety] [Emissions] Inspection on a Motor Vehicle Without a License. G.S. 20-183.8(b)(1). (6/2017)		Misd 3
271.46	[Giving] [Lending] [Borrowing] a License Plate for the Purpose of Using Same on a Motor Vehicle Other Than That for Which It Was Issued. Misdemeanor. G.S. 20-111(3). (6/2011)		Misd 3
271.47	Knowingly [Making a False Statement] [Concealing a Material Fact] [Committing Fraud] in an Application for [the Registration of Any Vehicle] [Certificate of Title] [Renewal of Registration] [Duplicate [Registration] [Title]]. G.S. 20-111(5). Misdemeanor. (6/2011)		Misd 1
271.48	Using a [Name] [Address] That Is [False] [Fictitious] in Any Application for [the Registration of Any Vehicle] [Certificate of Title] [Renewal of Registration] [Duplicate [Registration] [Title]]. G.S. 20-111(5). (6/2011)		Misd 1
271.49	[Giving] [Lending] [Selling] [Obtaining] a Certificate of Title for the Purpose of Using the Certificate of Title for Any Purpose Other Than the [[Registration] [Sale] of a Vehicle] [Use in Connection with the Vehicle for which the Certificate was Issued]. G.S. 20-111(6). (6/2011)		Misd 2
271.50	Series—Introduction to Hit and Run Instructions. (1/1997)		

271.50	Felonious Hit and Run with Serious Bodily Injury or Death (Failure to Stop), Including Lesser Offense. G.S. 20-166(a), (c)(2). (6/2018)		F, Misd 1
271.51	Hit and Run with Personal Injury or Death (Failure to Stop or Give Required Information). G.S. 20-166(c), (c1). (6/2009)		Misd 1
271.52	Hit and Run with Serious Bodily Injury or Death (Defendant Stopped but Failed to Give Required Information and Render Assistance). G.S. 20-166(b). (6/2009)		Misd 1
271.53	Hit and Run with Property Damage. G.S. 20-166(c), (c1). (6/2009)	Misd	Misd 1
271.54	Felonious Hit and Run with Injury (Failure to Stop), Including Lesser Offense. G.S. 20-166(a1), (c)(2). (6/2009)		H
271.61	Removal of Vehicle from Scene after Accident Resulting in [Injury] [Death] to Any Person—Driver. G.S. 20-166(a). (6/2006)		F
271.62	Removal of Vehicle from Scene after Accident Resulting in [Damage to Property] [[Injury] [Death] to Any Person of Which the Driver Was Unaware]—Driver. G.S. 20-166(c). (6/2006)		Misd 1
271.66	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Injury] [Death] to Any Person—Driver. G.S. 20-166(a). (6/2006)		F
271.67	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Damage to Property] [[Injury] [Death] to Person of Which the Driver Was Unaware]—Driver. G.S. 20-166(c). (6/2006)		Misd 1
271.70	Leaving Scene after Accident Resulting in [Injury] [Death] to Any Person—Passenger. G.S. 20-166.2(a). (6/2006)		H
271.71	Leaving Scene after Accident Resulting in [Damage to Property] [Injury or Death to Person of Which the Passenger was Unaware]—Passenger. G.S. 20-166.2(a). (6/2006)		Misd 1
271.72	Failure to Render Assistance—Passenger. G.S. 20-166.2(b) (6/2006)		Misd 1
271.73	Failure to Stop or Give Required Information after Accident—Passenger. G.S. 20-166.2(b). (6/2006)		Misd 1
271.74	Removal of Vehicle from Scene after Accident Resulting in [Injury] [Death] to Any Person—Passenger. G.S. 20-166.2(a). (6/2006)		H
271.75	Removal of Vehicle from Scene after Accident Resulting in [Damage to Property] [Injury or Death to Person of Which the Passenger Was Unaware]—Passenger. G.S. 20-166.2(a). (6/2006)		Misd 1
271.76	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Injury] [Death] to Any Person—Passenger. G.S. 20-166.2(a). (6/2006)		H
271.77	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Damage to Property] [Injury or Death to Person of Which the Passenger was Unaware]—Passenger. G.S. 20-166.2(a). (6/2006)		Misd 1

271.80	Tampering with Ignition Interlock Device—Avoiding or Altering Testing in Operation of a Vehicle. G.S. 20-178A. (6/2012)		Misd 1
271.81	Tampering with Ignition Interlock Device—Altering Testing Results on Ignition Interlock Device. G.S. 20-17.8A. (6/2012)		Misd 1
271.91	Liability Insurance for Motor Vehicles. G.S. 20-279.21, 20-308, 20-309.—Deleted. See G.S. 20-311. (6/2019)		Misd 1
271.92	Operation of Motor Vehicles Without Financial Responsibility G.S. 20-309(b), 20-313. (6/2019)		Misd 1
271.94	Impersonation of a Transportation Network Company Driver. (6/2020)		Misd 2
271.95	Impersonation of a Transportation Network Company Driver While [Committing] [Attempting to Commit] a Felony. (6/2020)		H
271.97	[Import] [Manufacture] [Sale] [Offer of Sale] [Installation] [Reinstallation] of a [Counterfeit Supplemental Restraint System] [Nonfunctional Airbag]. (6/2020)		Misd 1
271.98	Contributing to a Person’s [Physical Injury] [Death] By [Importing] [Manufacturing] [Selling] [Offering to Sell] [Installing] [Reinstalling] a [Counterfeit Supplemental Restraint System] [Nonfunctional Airbag]. (6/2020)		H
	Intoxicating Liquors.		
272.10	Possession of Nontaxpaid Alcoholic Beverages. G.S. 18B-101(4), -102. (5/2001)	Misd	Misd 1
272.11	Transporting of Nontaxpaid Alcoholic Beverages. G.S. 18B-101(4), -102. (5/2001)	Misd	Misd 1
272.13	Possession of Nontaxpaid Alcoholic Beverages with the Intent to Sell. G.S. 18B-304(b)(3). (5/2002)		Misd 1
272.14	Knowingly Selling or Giving Cigarettes, Cut Tobacco, Cigarette Wrapping Papers, Smokeless Tobacco, or Tobacco Product to a Person under the Age of 18 Years. G.S. 14-313. (6/2014)	Misd	Misd 2
272.15A	Selling or Giving Fortified Wine, Spirituous Liquor, or Mixed Beverages to a Person Less Than Twenty-One Years. G.S. 18B-302(a)(2). (5/2001)	Misd	Misd 1
272.18	[Purchase] [Possession] of Fortified Wine, Spirituous Liquor or Mixed Beverages by a Person Less Than Twenty-One. G.S. 18B-302(b)(2). (6/2014)	Misd	Misd 1
272.18A	Attempt to Purchase Fortified Wine, Spirituous Liquor, or Mixed Beverages by a Person Less Than Twenty-One Years. G.S. 18B-302(b)(2). (5/2001)	Misd	Misd 2
272.19	Aiding and Abetting an Underage Person to Purchase or Possess Malt Beverages, Unfortified Wine, Fortified Wine, Spirituous Liquor or Mixed Beverages. G.S. 18B-302(c). (5/2001)	Misd	Misd 1,2
272.20	Transportation within Passenger Area of Motor Vehicle of Fortified Wine or Spirituous Liquor in Other Than Manufacturer’s Unopened Original Container. G.S. 18B-401(a). (5/2001)	Misd	Misd 3
272.21	Consuming Malt Beverage or Unfortified Wine by the Driver of Motor Vehicle. G.S. 18B-401(a). (5/2001)	Misd	Misd 3
272.21A	Possession of Malt Beverages with the Intent to Sell without Obtaining Permit or License. G.S. 18B-304(a). (5/2002)		Misd 1

272.22	Fraudulent Use of Identification by an Underage Person in Obtaining or Attempting to Obtain Alcoholic Beverage. G.S. 18B-302(e), (b). (5/2001)	Misd	Misd 1 or Infraction
272.25	Consumption of Alcohol by a Person Less Than 19 Years of Age. G.S. 18B-302(b)(3). (6/2014)		Misd 1
272.26	Consumption of Alcohol by Person Greater Than 19 Years of Age but Less Than 21 Years of Age. G.S. 18B-302. (6/2014)		Misd 3
272.40	[Manufacture] [Sale] [Transportation] [Importation] [Furnishing] [Consumption] [Possession] of Powdered Alcohol. G.S. 18B-102. (6/2016)		Misd 1
272.60	[Sale] [Offer for Sale] [Introduction Into Commerce in North Carolina] of an E-liquid Container without Child-Resistant Packaging. G.S. 14-401.18A. (6/2016)		Misd A1
272.65	[Sale] [Offer for Sale] [Introduction into Commerce in North Carolina] of an E-liquid Container for E-liquid Product Containing Nicotine without Labeling Nicotine Contents on Packaging. G.S. 14-401.18A. (6/2016)		Misd A1
272.80	Knowingly Making a False Statement in an Application for Reissuance of a Special Occasion Permit. G.S. 18B-903.1(e). (6/2019)		Misd 1
	Game Laws.		
273.10	Firelighting or Spotlighting (Taking Deer by Artificial Light). G.S. 113-291.1(b)(2), -130(7), -294(e). (5/2001)	Misd	Misd 1
273.20	Taking a Deer from a Boat. G.S. 113-109(e). (9/2001)	Misd	Misd 1
273.30	Hunting, etc., While License Is Revoked. G.S. 113-300.8. (6/2009)		Misd 1
273.40	[Purchasing] [Possessing] License to Hunt, etc., While License Is Revoked. G.S. 113-300.8. (6/2009)		Misd 1
273.50	Unlawful Hunting with a Firearm on Sunday. G.S. 103-2(a), (a1). (6/2018)		
273.55	Unlawful Hunting of Migratory Birds on Sunday. (6/2018)		
	Welfare Fraud.		
274.10	Misdemeanor Misrepresentation in Obtaining Public Assistance. G.S. 108A-39(a). (9/2001)	Misd	Misd 1
274.15	Felonious Misrepresentation in Obtaining Public Assistance— More Than \$400. G.S. 108A-39(b). (9/2001)	I, Misd	I, Misd 1
274.20	Misdemeanor Obtaining Food Stamps by Misrepresentation. G.S. 108A-53(a). (10/2001)	Misd	Misd 1
274.21	Feloniously Obtaining Food Stamps by Misrepresentation— More Than \$400. G.S. 108A-53(a). (10/2001)	I, Misd	I, Misd 1
274.22	Misdemeanor Obtaining Food Stamps by Misrepresentation— Aiding and Abetting. G.S. 108A-53(a). (10/2001)	Misd	Misd 1
274.23	Feloniously Obtaining Food Stamps by Misrepresentation— Aiding and Abetting. G.S. 108A-53(a). (10/2001)	I, Misd	I, Misd 1
275.10	Unsupervised Use of a Fully Autonomous Vehicle by a Person Under the Age of 12. G.S. 20-401(c1). (6/2018)		

280.20	Escape. Felonious Escape. G.S. 148-45(a), (b); 14-256(1), (2). (6/2014)	J	I*
280.21	Escape from Private Correction Facility. G.S. 14-256.1. (5/2001)		H
280.40	Escape from Imprisonment by Use of a Dangerous Weapon. G.S. 14-258.2. (5/2001)	H	F
280.41	Assault with a Deadly Weapon Inflicting Bodily Injury While Assisting a Prisoner to Escape or Attempt to Escape. G.S. 14-258.2(b). (12/2001)	H	H
280.42	Using a Deadly Weapon in Assisting a Prisoner to Effect His Escape. G.S. 14-258.2. (5/2001)	H	H
280.43	Unauthorized Possession or Fabrication of Dangerous Weapon by Prisoner. G.S. 14-258.2(a). (11/2000)	Misd	H
280.44	Misdemeanor Jailbreak or Escape from Confinement Facility Officer. G.S. 14-256. (5/2001)	J, Misd	Misd 1
280.45	Escape of a Working Prisoner. G.S. 14-255. (5/2001)		Misd 1
Election/Voting Offenses.			
285.05	False Statements Under Oath with Regard to Absentee Ballots. Misdemeanor. (6/2021)		Misd 1
285.10	False Statements Not Under Oath with Regard to Absentee Ballots. Misdemeanor. (6/2021)		Misd 1
285.15	Candidate Witnessing Absentee Ballots of Non-Relative. Misdemeanor. (6/2021)		Misd 1
285.20	Attempted Vote by Absentee Ballot—Forgery. Felony. (6/2021)		G
285.25	[Sale] [Attempted Sale] [Purchase] [Agreement to Purchase] of Absentee Voting Materials. Felony. (6/2021)		I
285.30	[Destruction of] [Failure to Deliver] Absentee Ballot. Felony. (6/2021)		G
285.35	[Copy] [Retention] of [a Request for] [a Completed Application for] [Identifying Information Disclosed in a Request or Application for] an Absentee Ballot. Felony. (6/2021)		G
285.40	Compensation Based on Requests for Absentee Ballots. Felony. (6/2021)		I
285.45	Intent to Unlawfully Influence a(n) [Primary] [Election]. Felony. (6/2023)		F
285.50	Disclosure of Register of Absentee Ballot Requests. Felony. (6/2021)		G
285.55	Sending of Unrequested Absentee Ballot. Felony. (6/2021)		I
PART III. DEFENSES			
301.10	Alibi. (3/2003)		
Automatism.			
302.10	Automatism or Unconsciousness. (6/2009)		
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304.10	Insanity Defense. (6/2009)		

	Intoxication.
305.10	Voluntary Intoxication, Liquor or Drugs—In General. (6/2020)
305.11	Voluntary Intoxication, Lack of Mental Capacity—Premeditated and Deliberate First-Degree Murder. (6/2009)
306.10	Accepted Medical Purpose (Defense to First and Second-Degree Sexual Offenses Involving Penetration). (6/2020)
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307.10	Accident (Defense to Homicide Charge, Except Homicide Committed during Perpetration of a Felony). (5/2003)
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	Self-Defense.
308.10	Self-Defense, Retreat—Including Homicide (to Be Used Following the Self-Defense Instructions Where Retreat Is in Issue). G.S. 14-51.2(f), .3(a). (6/2022)
308.40	Self-Defense—Assaults Not Involving Deadly Force. G.S. 14.15.2, .3, .4. (6/2023)
308.41	Detention of Offenders by Private Persons. G.S. 15A-404. (6/2009)
308.45	Self-Defense—All Assaults Involving Deadly Force. G.S. 14.51.2, .3, .4. (6/2023)
308.45A	Self-Defense Example with 208.10—All Assaults Involving Deadly Force. G.S. 14.51.2, .3, .4. (6/2022)
308.47	Assault in Lawful Defense of a [Family Member] [Third Person]—(Defense to Assaults Not Involving Deadly Force). G.S. 14.51.2, .3, .4. (6/2022)
308.50	Assault in Lawful Defense of a [Family Member] [Third Person]—(Defense to All Assaults Involving Deadly Force). G.S. 14.51.2, .3, .4. (6/2022)
308.60	Killing in Lawful Defense of a [Family Member] [Third Person]—(Defense to Homicide). G.S. 14.51.2, .3, .4. (6/2022)
308.70	Self-Defense to Sexual Assault—Homicide. G.S. 14.51.2, .3. (6/2022)
308.80	Defense of [Habitation] [Workplace] [Motor Vehicle]—Homicide and Assault. G.S. 14-51.2, .3, .4. (4/2024)
308.90	Justification for Defensive Force Not Available—Defendant Attempting to Commit, Committing, or Escaping After the Commission of a Felony. (6/2022)
	Entrapment.
309.10	Entrapment. (6/2021)
	Coercion.
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311.10	Lack of Jurisdiction (with Special Verdict Form). (5/2003)

APPENDICES:

A. TABLE OF SECTIONS OF GENERAL STATUTES INVOLVED IN CRIMINAL INSTRUCTIONS.

B. CRIMINAL VOLUME INDEX.

N.C.P.I.—Crim. 100.40
ALTERNATE JUROR(S) SUBSTITUTED—INSTRUCTIONS TO JURY TO BEGIN
DELIBERATIONS ANEW.
GENERAL CRIMINAL VOLUME
REPLACEMENT APRIL 2024
N.C. Gen. Stat. § 15A-1215(a).

100.40 ALTERNATE JUROR(S) SUBSTITUTED—INSTRUCTIONS TO JURY TO
BEGIN DELIBERATIONS ANEW.

NOTE WELL: The North Carolina Court of Appeals in State v. Chambers, 292 N.C. App. 459, 898 S.E.2d 86 (2024), ruled that substituting an alternate juror for one of the original twelve after deliberations have begun violates the Constitution and is reversible error. This holding has been stayed and a petition for discretionary review granted by the Supreme Court of North Carolina. 901 S.E.2d 774 (2024). If you choose to substitute a juror, use the following instruction.

[An alternate juror has] [Alternate jurors have] been substituted for the excused [juror] [jurors].¹ You should not speculate about the reason for the substitution. The law of this State² grants the defendant the right to a unanimous verdict reached only after full participation of the twelve jurors who ultimately return a verdict. That right may only be assured if the jury begins deliberations anew. Therefore, you must restart your deliberations from the beginning. This means you should disregard entirely any deliberations taking place before the alternate [juror was] [jurors were] substituted, and consider freshly the evidence as if the previous deliberations had never occurred.

Although starting over may seem frustrating, please do not let it discourage you. It is important to our system of justice that each juror has a full and fair opportunity to explore his or her views, and respond to the views of others so that you may come to a unanimous verdict. All the previous instructions given to you, including the unanimity requirement for a verdict, remain in effect. You shall now retire for your deliberations in accordance with the instructions previously given.

N.C.P.I.—Crim. 100.40
ALTERNATE JUROR(S) SUBSTITUTED—INSTRUCTIONS TO JURY TO BEGIN
DELIBERATIONS ANEW.
GENERAL CRIMINAL VOLUME
REPLACEMENT APRIL 2024
N.C. Gen. Stat. § 15A-1215(a).

NOTE WELL: If the excused juror was the foreperson, the court must instruct the jury to select a new foreperson prior to restarting deliberations.

1. Effective October 1, 2021, for jurors and alternate jurors selected on or after that date, S.L. 2021-94 amended N.C. Gen. Stat. § 15A-1215(a) to permit an alternate juror to replace a regular juror after deliberations have begun.

2. N.C. Const. art. I, § 24.

101.35 CONCLUDING INSTRUCTIONS—JURY CONSIDER ALL EVIDENCE, JUDGE NOT EXPRESS OPINION, UNANIMOUS VERDICT, SELECTION OF FOREPERSON.

Members of the jury, you have heard the evidence and the arguments of counsel. If your recollection of the evidence differs from that of the attorneys, you are to rely solely upon your recollection. Your duty is to remember the evidence whether called to your attention or not.

You should consider all the evidence, the arguments, contentions and positions urged by the attorney(s), and any other contention that arises from the evidence.

The law requires the presiding judge to be impartial. You should not infer from anything I have done or said that the evidence is to be believed or disbelieved, that a fact has been proved or what your findings ought to be. It is your duty to find the facts and to render a verdict reflecting the truth. All twelve of you must agree to your verdict. You cannot reach a verdict by majority vote.

When you have agreed upon a unanimous verdict(s) (as to each charge) your foreperson should so indicate on the verdict form(s).

NOTE WELL: At this point, the court may choose to excuse the alternate juror(s). However, the alternate juror(s) may be retained for potential substitution after the jury has begun deliberations, pursuant to N.C. Gen. § 15A-1215(a). Effective October 1, 2021, for jurors and alternate jurors selected on or after that date, S.L. 2021-94 Amended N.C. GEN. STAT. § 15A-1215(a) to permit an alternate juror to replace a regular juror after deliberations have begun. If an alternate juror is substituted after deliberations have begun, then the jury should be instructed to begin deliberations anew pursuant to N.C.P.I.—CRIM. 100.40.

NOTE WELL: The North Carolina Court of Appeals in State v. Chambers, 292 N.C. App. 459, 898 S.E.2d 86 (2024),

ruled that substituting an alternate juror for one of the original twelve after deliberations have begun violates the Constitution and is reversible error. This holding has been stayed and a petition for discretionary review granted by the Supreme Court of North Carolina. 901 S.E.2d 774 (2024).

NOTE WELL: If alternate jurors are retained, the trial court should remind the jurors that they are not to discuss the case among themselves or with anyone else while sequestered, and that all other instructions governing their conduct remain in effect until they are released.

After reaching the jury room your first order of business is to select your foreperson. You may begin your deliberations when the bailiff delivers the verdict form(s) to you. Your foreperson should lead the deliberations. When you have unanimously agreed upon a verdict (as to each charge) and are ready to announce [it] [them] your foreperson should record your verdict(s), sign and date the verdict form(s), and notify the bailiff by knocking on the jury room door (or otherwise summoning the bailiff). You will be returned to the courtroom and your verdict will be announced.

Thank you. You may retire and select your foreperson.

NOTE WELL: After the jury retires and before sending the verdict form(s) to the jury the judge must address the attorneys as follows:

Before the jury begins deliberation the Court will consider requests for corrections and additions to the instructions and to other matters you deem appropriate.¹

Are there any objections or specific requests for corrections or additions to the instructions?

NOTE WELL: Consider all specific requests and if appropriate recall the jury and correct or add to the charge. If request(s) for

corrections or additions are rejected, attorneys must be allowed to make specific objections on the record.

After all specific requests have been submitted and rejected and the proper notation(s) recorded, hand the verdict form(s) to the bailiff and instruct the bailiff to deliver [it] [them] to the jury without comment.

If necessary to return the jury to the courtroom for corrections or additions to the charge the judge should address the jury as follows:

Members of the jury, my attention has been properly directed to instructions necessary to [correct] [supplement] my previous instructions.

I charge you that...

You may retire now and begin your deliberation when you receive the written verdict form(s).

NOTE WELL: Repeat to the lawyers the question regarding objections, corrections or additions. If there are further instructions upon specific requests, follow the same procedure as before; if not, instruct the bailiff to deliver the verdict form(s) to the jury.

NOTE WELL: If the jury requests additional instructions after retiring to deliberate, the trial judge should obtain the jury requests in writing, confer with the attorneys, and further instruct the jury if necessary.

S. v. Privette, 317 N.C. 148 (1986) holds that it is within the trial court's discretion to determine whether instructions in addition to those requested should be given at the same time.

NOTE WELL: It is suggested that requests from the jury should be reduced to writing, marked as court exhibits, and made part of the record. In a capital case, the failure to share the jury's questions with the defendant denies the defendant the right to be present at every stage of the proceeding although the State may be able to prove the error was harmless beyond a reasonable doubt. State v. Smith, 654 S.E.2d 730 (N.C. Ct. App. 2008).

N.C.P.I.—Crim. 101.35

CONCLUDING INSTRUCTIONS—JURY CONSIDER ALL EVIDENCE, JUDGE NOT EXPRESS OPINION, UNANIMOUS VERDICT, SELECTION OF FOREPERSON.

GENERAL CRIMINAL VOLUME

REPLACEMENT APRIL 2024

1. While N.C. Gen. Stat. § 15A-1231 does not expressly require the judge to address the attorneys after the charge and before the jury begins deliberations, when applying Appellate Rule 10(b)(2) pertaining to defendant's assignment of error as to jury instructions, the North Carolina Court of Appeals has not allowed the defendant to assign error to the jury charge if given an opportunity by the trial judge to object before deliberations. *State v. Godwin*, 59 N.C. App. 662, 297 S.E.2d 623 (1982).

N.C.P.I.—Crim 104.99
LIMITATION ON CERTAIN NON-HEARSAY STATEMENTS.
GENERAL CRIMINAL VOLUME
REPLACEMENT OCTOBER 2023

104.99 LIMITATION ON CERTAIN NON-HEARSAY STATEMENTS.

Evidence is about to be introduced of statements made by [a confidential informant] [(*name person*) who has not testified during this trial]. You must not consider the statement(s) as evidence of the truth of what was said at that earlier time because it was not made under oath at this trial. If you believe that these statements were made, then you may consider them for the purpose of explaining the subsequent actions of the investigating officers; and except as it bears upon the subsequent action of the investigating officers, the statements made by the [confidential informant] [*name person*] may not be used by you in your determination of any act in this case.¹

1. *State v. Wiggins*, 185 N.C. App. 376 (2007). See also *State v. Clark*, 165 N.C. App. 279, 288 (“Here, the trial court failed to give the jury a limiting instruction. Because the jury could have considered this evidence for the truth of the matter asserted, we cannot presume it was offered and received as corroborating evidence.”), *disc. rev. denied*, 358 N.C. 734 (2004).

N.C.P.I.—Crim. 204.25
AGGRAVATING FACTOR INSTRUCTION.
GENERAL CRIMINAL VOLUME
REPLACEMENT JANUARY 2024
N.C. Gen. Stat. § 15A-1340.16

204.25 AGGRAVATING FACTOR INSTRUCTION. (This document includes a sample verdict sheet. See Instruction References.)

NOTE WELL: Other than the fact of a prior conviction, any fact that increases the penalty for a crime beyond the prescribed presumptive range must be submitted to a jury and proved beyond a reasonable doubt. See State v. Allen, 359 N.C. 425, 615 S.E. 2d 256 (1 July 2005), modifying and affirming, 166 N.C. App. 139, 601 S.E.2d 299 (N.C. Ct. App. 2004). Consistent with Allen and the United States Supreme Court's decision in Blakely v. Washington, 124 S. Ct. 2531 (2004), N.C. Gen. Stat. § 15A-1340.16 was substantially amended in June 2005, effective for offenses committed on or after 30 June 2005. Pursuant to section 15A-1340.16(a1), a defendant may admit to the existence of an aggravating factor and the factor so admitted shall be treated as though it were found by the jury. See N.C. Gen. Stat. § 15A-1022.1 for the procedure to be used in accepting admissions of the existence of aggravating factors in felonies. See also N.C. Gen. Stat. § 15A-1340.16(a2); N.C. Gen. Stat. § 15A-1026 (dealing with making and preserving a record of plea). If a defendant does not admit the existence of an aggravating factor under section 15A-1340.16(d), then only a jury may determine if the aggravating factor is present in an offense. Pursuant to section 15A-1230.16(a1), the trial judge may determine, when in the interests of justice, a separate sentencing proceeding is required. For procedural guidance, see N.C. Gen. Stat. § 15A-928.

Evidence necessary to prove an element of the offense shall not be used to prove any factor in aggravation, and the same item of evidence shall not be used to prove more than one factor in aggravation. In addition, evidence necessary to establish that an enhanced sentence is required under N.C. Gen. Stat. § 15A-1340.16A may not be used to prove any factor in aggravation.

In the event you find (have found) the defendant guilty of (*name offense*), you must then consider and answer the following question:

Do you find from the evidence beyond a reasonable doubt the existence of the following aggravating factor(s)?

NOTE WELL: Submit to the jury the aggravating factors supported by the evidence. N.C. Gen. Stat. § 15A-1340.16(d). Some of these

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aggravating factors are self-explanatory and require no further definition. If a factor requires additional explanation, relevant pattern jury instructions, such as the capital sentencing instruction, may be consulted.

- 1) The defendant [induced others to participate in the commission of the offense] [occupied a position of leadership or dominance of other participants].
- 2) The defendant joined with more than one other person in committing the offense and was not charged with committing a conspiracy.
- 3) The offense was committed [for the benefit of] [at the direction of] any criminal gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, and the defendant was not charged with committing a conspiracy.
- 4) The offense was committed for the purpose of [avoiding or preventing a lawful arrest] [effecting an escape from custody].
- 5) The defendant was hired or paid to commit the offense.
- 6) The offense was committed to disrupt or hinder the lawful exercise of [any governmental function] [the enforcement of laws].
- 7) The offense [was committed against] [proximately caused serious injury to] a present or former [law enforcement officer] [employee of the Department of Correction] [jailer] [fireman] [emergency medical technician] [ambulance attendant] [social worker] [justice] [judge] [clerk of court] [assistant clerk of court] [deputy clerk of court] [magistrate] [prosecutor] [juror] [witness against the defendant], while engaged in the performance of that person's

official duties or because of the exercise of that person's official duties.

NOTE WELL: The language including social worker in this statute is only applicable to offense committed on or after December 1, 2005.

- 8) The offense was especially heinous, atrocious, or cruel.
- 9) The defendant knowingly created a great risk of death to more than one person by means of a [weapon] [device] which would normally be hazardous to the lives of more than one person.
- 10) The defendant was a [firefighter] [rescue squad worker], and the offense is directly related to service as a [firefighter] [rescue squad worker].
- 11) The defendant held public office at the time of the offense and the offense related to the conduct of the office.
- 12) The defendant [was armed with] [used] a deadly weapon at the time of the crime.
- 13) The defendant committed the offense on the property of a hospital.¹
- 14) The defendant committed the offense on the property of a medical practice.²
- 15) The victim was [very young] [very old] [mentally infirm] [physically infirm] [handicapped].
- 16) The defendant committed the offense while on pretrial release on another charge.
- 17) The defendant involved a person under the age of 16 in the commission of the crime.

18) That defendant committed the offense and [knew] [reasonably believed] [should have known] that a person under the age of 18 who was not involved in the commission of the offense was in a position to [see] [hear] the offense.

NOTE WELL: Aggravating factor (18) is only applicable to offenses committed on or after December 1, 2015.

19) The offense involved [an [attempted] [actual] taking of property of great monetary value] [damage causing great monetary loss] [an unusually large quantity of contraband].

20) The defendant took advantage of a position of trust or confidence (which includes a domestic relationship) to commit the offense.

NOTE WELL: The language "including a domestic relationship" in the statute is only applicable to offenses committed on or after December 1, 2004.

21) The offense involved the sale or delivery of a controlled substance to a minor.

22) The offense was the manufacture of methamphetamine and was committed where a person under the age of 18 [lives] [was present] [was endangered by exposure to the drug, its ingredients, byproducts, or waste].

NOTE WELL: Aggravating factor (22), dealing with methamphetamine, is only applicable to offenses committed on or after December 1, 2004.

23) The offense was committed against a victim because of the victim's [race] [color] [religion] [nationality] [country of origin].

24) The defendant does not support the defendant's family.

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- 25) The defendant has previously been adjudicated delinquent for an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult.
- 26) The serious injury inflicted upon the victim is permanent and debilitating.

NOTE WELL: If alleged in the indictment and supported by the evidence, N.C. Gen. Stat. § 15A-1340.16(d)(20) provides for the presentation of any other aggravating factor reasonably related to the purposes of sentencing. See N.C. Gen. Stat. § 15A-924(a)(7), providing that a criminal pleading must contain a plain and concise factual statement indicating the factor or factors the State intends to use under section N.C. Gen. Stat. § 15A-1340.16(d)(20).

(You are instructed that the same evidence cannot be used as a basis for finding more than one aggravating factor.)

If you find from the evidence beyond a reasonable doubt that (insert aggravating factor(s) supported by the evidence), then you will write yes in the space after the(se) aggravating factor(s) on the verdict sheet. If you have found the existence of (one or more of) the aggravating factor(s) and have written "yes" in the space after the(se) aggravating factor(s), then you will also answer Issue One "yes" and write "yes" in the space after Issue One on the verdict sheet. If you do not so find, then you will leave blank the space(s) after the aggravating factor(s).

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE

COUNTY OF _____ SUPERIOR COURT DIVISION

FILE NO.

STATE OF NORTH CAROLINA

vs. Verdict Sheet

Defendant

Issue One:

Do you find from the evidence beyond a reasonable doubt the existence of the following aggravating factor(s)?

Answer: _____

Before you answer the question above, consider (each of) the following aggravating factor(s). If you find beyond a reasonable doubt that a (the) factor exists, you would write "yes" in the space after that factor. If you write "yes" in (one or more of) the following space(s), then you would write "yes" in the space after the question above.

NOTE WELL: Modify verdict sheet and submit to the jury only the aggravating factor(s) supported by the evidence. N.C. Gen. Stat. § 15A-1340.16(d). Remove the Note Wells as appropriate before submitting to the jury.

- 1) The defendant [induced others to participate in the commission of the offense] [occupied a position of leadership or dominance of other participants].

Answer: _____

- 2) The defendant joined with more than one other person in committing the offense and was not charged with committing a conspiracy.

Answer: _____

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- 3) The offense was committed [for the benefit of] [at the direction of] any criminal gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, and the defendant was not charged with committing a conspiracy.

Answer: _____

- 4) The offense was committed for the purpose of [avoiding or preventing a lawful arrest] [effecting an escape from custody].

Answer: _____

- 5) The defendant was hired or paid to commit the offense.

Answer: _____

- 6) The offense was committed to disrupt or hinder the lawful exercise of [any governmental function] [the enforcement of laws].

Answer: _____

- 7) The offense [was committed against] [proximately caused serious injury to] a present or former [law enforcement officer] [employee of the Department of Correction] [jailer] [fireman] [emergency medical technician] [ambulance attendant] [social worker] [justice or judge] [clerk of court] [assistant clerk of court] [deputy clerk of court] [magistrate] [prosecutor] [juror] [witness against the defendant], while engaged in the performance of that person's official duties or because of the exercise of that person's official duties.

Answer: _____

NOTE WELL: The language including social worker in this statute is only applicable to offenses committed on or after December 1, 2005.

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8) The offense was especially heinous, atrocious, or cruel.

Answer: _____

9) The defendant knowingly created a great risk of death to more than one person by means of a [weapon] [device] which would normally be hazardous to the lives of more than one person.

Answer: _____

10) The defendant was a [firefighter] [rescue squad worker], and the offense is directly related to service as a [firefighter] [rescue squad worker].

Answer: _____

11) The defendant held public office at the time of the offense and the offense related to the conduct of the office.

Answer: _____

12) The defendant [was armed with] [used] a deadly weapon at the time of the crime.

Answer: _____

13) The defendant committed the offense on the property of a hospital.

Answer: _____

14) The defendant committed the offense on the property of a medical practice.

Answer: _____

15) The victim was [very young] [very old] [mentally infirm] [physically infirm] [handicapped].

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Answer: _____

- 16) The defendant committed the offense while on pretrial release on another charge.

Answer: _____

- 17) The defendant involved a person under the age of 16 in the commission of the crime.

Answer: _____

- 18) That defendant committed the offense and [knew] [reasonably believed] [should have known] that a person under the age of 18 who was not involved in the commission of the offense was in a position to [see] [hear] the offense.

Answer: _____

NOTE WELL: Aggravating factor (18), is only applicable to offenses committed on or after December 15, 2015.

- 19) The offense involved [an [attempted] [actual] taking of property of great monetary value] [damage causing great monetary loss] [an unusually large quantity of contraband].

Answer: _____

- 20) The defendant took advantage of a position of trust or confidence (which includes a domestic relationship) to commit the offense.

Answer: _____

NOTE WELL: The language "including a domestic relationship" in the statute is only applicable to offenses committed on or after December 1, 2004.

- 21) The offense involved the sale or delivery of a controlled substance to a minor.

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Answer: _____

- 22) The offense was the manufacture of methamphetamine and was committed where a person under the age of 18 [lives] [was present] [was endangered by exposure to the drug, its ingredients, byproducts, or waste].

Answer: _____

NOTE WELL: Aggravating factor (22), dealing with methamphetamine, is only applicable to offenses committed on or after December 1, 2004.

- 23) The offense was committed against a victim because of the victim's [race] [color] [religion] [nationality] [country of origin].

Answer: _____

- 24) The defendant does not support the defendant's family.

Answer: _____

- 25) The serious injury inflicted upon the victim is permanent and debilitating.

Answer: _____

- 26) The defendant has previously been adjudicated delinquent for an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult.

Answer: _____

- 27) The defendant engaged in (describe other aggravating factor alleged in the indictment and supported by the evidence reasonably related to the purpose of sentencing).

Answer: _____

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This the ____ day of _____, _____.

Foreperson

1. See N.C. Gen. Stat. § 131E-76.

2. A medical practice is defined as a professional corporation organized under or subject to Chapter 55B of the General Statutes and registered with the North Carolina Medical Board. N.C. Gen. Stat. § 15A-1340.16(d)(10b).

N.C.P.I.—Crim. 206.31B
SECOND DEGREE MURDER, CAUSED BY CONTROLLED SUBSTANCE. FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT FEBRUARY 2024
N.C. Gen. Stat. § 14-17

206.31B SECOND DEGREE MURDER, CAUSED BY CONTROLLED SUBSTANCE.
FELONY.

NOTE WELL: N.C.P.I.—Crim 206.31B Second Degree Murder, Caused By Controlled Substance is replaced by N.C.P.I.—Crim 206.76. Death by Distribution Through Unlawful Delivery with Malice of Certain Controlled Substances. Use this instruction for offenses prior to December 1, 2023. For offenses on or after December 1, 2023 see N.C.P.I.—Crim 206.76.

The defendant has been charged with second degree murder.

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt:

First, that the victim's death was caused by ingesting (*name substance*).¹

Second, that the defendant intentionally and unlawfully distributed that (*name substance*).²

Third, that the defendant's unlawful distribution of that (*name substance*) was a proximate cause of the victim's death. A proximate cause is a real cause, a cause without which the victim's death would not have occurred, and one that a reasonably careful and prudent person could foresee would probably produce such [injury] [damage] or some similar injurious result. (The defendant's act need not have been the only cause, nor the last or nearest cause. It is sufficient if it occurred with some other cause acting at the same time, which, in combination with, caused the death of the victim.) (A child has been killed if the child was born alive, but died as a result of injuries inflicted prior to being born alive.)³

And Fourth, that the defendant unlawfully and with malice killed the victim. Malice arises when an act that is inherently dangerous to human life is

N.C.P.I.—Crim. 206.31B
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done so recklessly and wantonly as to manifest a mind utterly without regard for human life and social duty and deliberately bent on mischief.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant unlawfully and with malice killed the victim by the intentional and unlawful distribution of (*name substance*), it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. The statute lists “any opium, opiate, or opioid, any synthetic or natural salt, compound, derivative, or preparation of opium, or opiate, or opioid, or cocaine, or other substance described in G.S. 90-91(1)d, methamphetamine, or a depressant described in G.S. 90-92(a)(1).”

2. If the defendant contends that *he* did not know the true identity of the substance distributed, add this language: “and the defendant knew that what *he* distributed was (*name substance*).”

3. This sentence is only to be provided if the offense involved the killing of a child.

N.C.P.I.—Crim. 206.70

DEATH BY DISTRIBUTION THROUGH UNLAWFUL SALE OF CERTAIN
CONTROLLED SUBSTANCES—LESSER INCLUDED OFFENSE. FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT MARCH 2024
N.C. Gen. Stat. § 14-18.4(b)

206.70 DEATH BY DISTRIBUTION THROUGH UNLAWFUL SALE OF CERTAIN
CONTROLLED SUBSTANCES—LESSER INCLUDED OFFENSE. FELONY.

NOTE WELL: N.C. Gen. Stat. § 14-18.4(f) provides that nothing in this section shall be construed to restrict or interfere with the rights and immunities provided under the Samaritan Protection in N.C. Gen. Stat. 90-96.2. N.C. Gen. Stat. § 14-18.4(g) provides that this section does not apply to lawful distribution pursuant to a valid prescription.

The defendant has been charged with death by distribution through unlawful sale of certain controlled substances.¹

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that the defendant unlawfully sold² (a) controlled substance(s).³ (Name controlled substance(s)) [is a] [are] controlled substance(s).

Second, that the ingestion of (that) (these) controlled substance(s) caused the death of the user.

And Third, that the defendant's unlawful selling of (the) controlled substance(s) was the proximate cause of the user's death. A proximate cause is a real cause, a cause without which the user's death would not have occurred, and one that a reasonably careful and prudent person could foresee would probably produce such [injury] [damage] or some similar injurious result. (The defendant's act need not have been the only cause, nor the nearest cause. It is sufficient if it occurred in combination with some other cause, acting at the same time, that caused the death of the user).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant unlawfully sold (a) controlled substance(s), (name controlled substance(s)) [is a] [are] controlled substance(s), that the ingestion of (that) (these) controlled substance(s)

N.C.P.I.—Crim. 206.70

DEATH BY DISTRIBUTION THROUGH UNLAWFUL SALE OF CERTAIN
CONTROLLED SUBSTANCES—LESSER INCLUDED OFFENSE. FELONY.

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N.C. Gen. Stat. § 14-18.4(b)

caused the death of the user, that the defendant's unlawful selling of the controlled substance(s) was the proximate cause of the user's death, it would be your duty to return a verdict of guilty of death by distribution through unlawful sale of (a) certain controlled substance(s). If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. "Certain Controlled Substances" is defined under N.C. Gen. Stat. § 14-18.4 as any opium, opiate, or opioid; any synthetic or natural salt, compound, derivative, or preparation of opium, opiate, or opioid; cocaine or any other substance described in G.S. 90-90(1)(d); methamphetamine; a depressant described in G.S. 90-92(a)(1); or a mixture of one or more of these substances.

2. For purposes of the Controlled Substance Act, a sale is a "transfer of property for a specified price payable in money" or a "transfer[]" for other forms of consideration." *State v. Carr*, 145 N.C. App. 335, 344-45, 549 S.E.2d 897, 903 (2001).

3. If the sale of more than one controlled substance is alleged, then edit this element accordingly.

N.C.P.I.—Crim. 206.72

AGGRAVATED DEATH BY DISTRIBUTION THROUGH UNLAWFUL SALE OF CERTAIN CONTROLLED SUBSTANCES—LESSER INCLUDED OFFENSE. FELONY.

GENERAL CRIMINAL VOLUME

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N.C. Gen. Stat. § 14-18.4(c)

206.72 AGGRAVATED DEATH BY DISTRIBUTION THROUGH UNLAWFUL SALE OF CERTAIN CONTROLLED SUBSTANCES—LESSER INCLUDED OFFENSE. FELONY.

NOTE WELL: N.C. Gen. Stat. § 14-18.4(f) provides that nothing in this section shall be construed to restrict or interfere with the rights and immunities provided under the Samaritan Protection in N.C. Gen. Stat. 90-96.2. N.C. Gen. Stat. § 14-18.4(g) provides that this section does not apply to lawful distribution pursuant to a valid prescription.

The defendant has been charged with aggravated death by distribution through unlawful sale of certain controlled substances.¹

For you to find the defendant guilty of this offense, the State must prove five things beyond a reasonable doubt:

First, that the defendant unlawfully sold² (a) controlled substance(s).³ (*name controlled substance(s)*) [is a] [are] controlled substance(s).

Second, that the ingestion of (that) (these) controlled substance(s) caused the death of the user.

Third, that the defendant's unlawful selling of the controlled substance(s) was the proximate cause of the user's death. A proximate cause is a real cause, a cause without which the user's death would not have occurred, and one that a reasonably careful and prudent person could foresee would probably produce such [injury] [damage] or some similar injurious result. (The defendant's act need not have been the only cause, nor the nearest cause. It is sufficient if it occurred in combination with some other cause, acting at the same time, that caused the death of the user).

Fourth, that on (*name date*) the defendant in (*name court*) [was convicted of] [pled guilty to] the felony of (*name drug related felony*)⁴ that

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AGGRAVATED DEATH BY DISTRIBUTION THROUGH UNLAWFUL SALE OF
CERTAIN CONTROLLED SUBSTANCES—LESSER INCLUDED OFFENSE.
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was committed on (*name date*) in violation of the law of the [State of North
Carolina] [State of (*name other state*)] [United States].

And Fifth, that the prior conviction occurred within ten years of this
offense, excluding any periods of imprisonment.⁵

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date, the defendant unlawfully sold (a) controlled
substance(s), (*name controlled substance(s)*) [is a] [are] controlled
substance(s), that the ingestion of [that] [these] controlled substance(s)
caused the death of the user, that the defendant's unlawful selling of the
controlled substance was the proximate cause of the user's death, and on
(*name date*) the defendant in (*name court*) [was convicted of] [pled guilty to]
the felony of (*name drug related felony*) in violation of the law of the [State
of North Carolina] [State of (*name other state*)] [United States] and that
conviction occurred within ten years of this offense, excluding any periods of
imprisonment, it would be your duty to return a verdict of guilty of aggravated
death by distribution through unlawful sale of (a) certain controlled
substance(s). If you do not so find, or have a reasonable doubt as to one or
more of these things, you will not return a verdict of guilty of aggravated
death by distribution through unlawful sale of certain controlled
substance(s), but would consider whether the defendant is guilty of death by
distribution through unlawful sale of certain controlled substances. Death by
distribution through unlawful sale of certain controlled substances differs from
the aggravated offense in that it does not require proof of a prior conviction.

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date, the defendant sold (a) controlled substance(s), (*name
controlled substance(s)*) [is a] [are] controlled substance(s), that the

N.C.P.I.—Crim. 206.72

AGGRAVATED DEATH BY DISTRIBUTION THROUGH UNLAWFUL SALE OF CERTAIN CONTROLLED SUBSTANCES—LESSER INCLUDED OFFENSE. FELONY.

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ingestion of (that) (these) controlled substance(s) caused the death of the user, that the defendant's unlawful selling of the controlled substance(s) was the proximate cause of the user's death, it would be your duty to return a verdict of guilty of death by distribution through unlawful sale of (a) certain controlled substance(s). If you do not so find, or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. "Certain Controlled Substances" is defined under N.C. Gen. Stat. § 14-18.4 as any opium, opiate, or opioid; any synthetic or natural salt, compound, derivative, or preparation of opium, opiate, or opioid; cocaine or any other substance described in G.S. 90-90(1)(d); methamphetamine; a depressant described in G.S. 90-92(a)(1); or a mixture of one or more of these substances.

2. For purposes of the Controlled Substance Act, a sale is a "transfer of property for a specified price payable in money" or a "transfer[] for other forms of consideration." *State v. Carr*, 145 N.C. App. 335, 344-45, 549 S.E.2d 897, 903 (2001).

3. If the sale of more than one controlled substance is alleged, then edit this element accordingly.

4. N.C. Gen. Stat. § 14-18.4 provides the person has a previous conviction under this section, G.S. 90-95(a)(1), 90-95.1, 90-95.4, 90-95.6, or trafficking in violation of G.S. 90-95(h), or a prior conviction in any federal or state court in the United States that is substantially similar to an offense listed, within ten years of the date of the offense. The trial judge should determine whether the previous conviction "under this section, G.S. 90-95(a)(1), 90-95.1, 90-95.4, 90-95.6, or trafficking in violation of G.S. 90-95(h), or a prior conviction in any federal or state court in the United States . . ." is substantially similar to an offense that is a felony in North Carolina. *See State v. Sanders*, 367 N.C. 716 (2014) (concluding "that [d]etermination of whether the out-of-state conviction is substantially similar to a North Carolina offense is a question of law involving comparison of the elements of the out-of-state offense to those of the North Carolina offense.").

5. N.C. Gen. Stat. § 14-18.4 provides that any period of time during which the person was incarcerated in a local, state, or federal detention center, jail or prison shall be excluded in calculating the ten-year period.

N.C.P.I.—Crim. 206.74

DEATH BY DISTRIBUTION THROUGH UNLAWFUL DELIVERY OF CERTAIN
CONTROLLED SUBSTANCES. FELONY.

GENERAL CRIMINAL VOLUME

MARCH 2024

N.C. Gen. Stat. § 14-18.4(a1)

206.74 DEATH BY DISTRIBUTION THROUGH UNLAWFUL DELIVERY OF
CERTAIN CONTROLLED SUBSTANCES. FELONY.

NOTE WELL: N.C. Gen. Stat. § 14-18.4(f) provides that nothing in this section shall be construed to restrict or interfere with the rights and immunities provided under the Samaritan Protection in N.C. Gen. Stat. 90-96.2. N.C. Gen. Stat. § 14-18.4(g) provides that this section does not apply to lawful distribution pursuant to a valid prescription.

The defendant has been charged with death by distribution through unlawful delivery of certain controlled substances.¹

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that the defendant unlawfully delivered (a) controlled substance(s).² (*Name controlled substance(s)*) [is a] [are] controlled substance(s).

Second, that the ingestion of (that) (these) controlled substance(s) caused the death of the user.

And Third, that the defendant's unlawful delivery of (the) controlled substance(s) was the proximate cause of the user's death. A proximate cause is a real cause, a cause without which the user's death would not have occurred, and one that a reasonably careful and prudent person could foresee would probably produce such [injury] [damage] or some similar injurious result. (The defendant's act need not have been the only cause, nor the nearest cause. It is sufficient if it occurred in combination with some other cause, acting at the same time, that caused the death of the user).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant unlawfully delivered (a) controlled substance(s), (*name controlled substance(s)*) [is a] [are] controlled

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N.C. Gen. Stat. § 14-18.4(a1)

substance(s), that the ingestion of (that) (these) controlled substance(s) caused the death of the user, and that the defendant's unlawful delivery of the controlled substance(s) was the proximate cause of the user's death, it would be your duty to return a verdict of guilty of death by distribution through unlawful delivery of (a) certain controlled substance(s). If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. "Certain Controlled Substances" is defined under N.C. Gen. Stat. § 14-18.4 as any opium, opiate, or opioid; any synthetic or natural salt, compound, derivative, or preparation of opium, opiate, or opioid; cocaine or any other substance described in G.S. 90-90(1)(d); methamphetamine; a depressant described in G.S. 90-92(a)(1); or a mixture of one or more of these substances.

2. If the delivery of more than one controlled substance is alleged, then edit this element accordingly.

N.C.P.I.—Crim. 206.76

DEATH BY DISTRIBUTION THROUGH UNLAWFUL DELIVERY WITH MALICE OF CERTAIN CONTROLLED SUBSTANCES. FELONY.

GENERAL CRIMINAL VOLUME

MARCH 2024

N.C. Gen. Stat. § 14-18.4(a2)

206.76 DEATH BY DISTRIBUTION THROUGH UNLAWFUL DELIVERY WITH MALICE OF CERTAIN CONTROLLED SUBSTANCES. FELONY.

NOTE WELL: N.C. Gen. Stat. § 14-18.4(f) provides that nothing in this section shall be construed to restrict or interfere with the rights and immunities provided under the Samaritan Protection in N.C. Gen. Stat. 90-96.2. N.C. Gen. Stat. § 14-18.4(g) provides that this section does not apply to lawful distribution pursuant to a valid prescription.

NOTE WELL: N.C.P.I.–Crim 206.76 Death by Distribution Through Unlawful Delivery with Malice of Certain Controlled Substances replaces N.C.P.I.–Crim 206.31B Second Degree Murder, Caused By Controlled Substance. N.C. Gen. Stat. 14-18.4 was amended, effective December 1, 2023. Use this instruction for offenses on or after December 1, 2023. For offenses before December 1, 2023 see N.C.P.I.–Crim 206.31B.

The defendant has been charged with death by distribution through unlawful delivery with malice of certain controlled substances.¹

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt:

First, that the defendant unlawfully delivered (a) controlled substance(s).² (*Name controlled substance(s)*) [is a] [are] controlled substance(s).

Second, that the defendant acted with malice. Malice arises when an act that is inherently dangerous to human life is done so recklessly and wantonly as to manifest a mind utterly without regard for human life and social duty and deliberately bent on mischief.

Third, that the ingestion of (that) (these) controlled substance(s) caused the death of the user.

N.C.P.I.—Crim. 206.76

DEATH BY DISTRIBUTION THROUGH UNLAWFUL DELIVERY WITH MALICE OF CERTAIN CONTROLLED SUBSTANCES. FELONY.

GENERAL CRIMINAL VOLUME

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N.C. Gen. Stat. § 14-18.4(a2)

And Fourth, that the defendant’s unlawful delivery of (the) controlled substance(s) was the proximate cause of the user’s death. A proximate cause is a real cause, a cause without which the user’s death would not have occurred, and one that a reasonably careful and prudent person could foresee would probably produce such [injury] [damage] or some similar injurious result. (The defendant’s act need not have been the only cause, nor the nearest cause. It is sufficient if it occurred in combination with some other cause, acting at the same time, that caused the death of the user).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant unlawfully delivered (a) controlled substance(s), (*name controlled substance(s)*) [is a] [are] controlled substance(s), that the defendant acted with malice, that the ingestion of (that) (these) controlled substance(s) caused the death of the user, and that the defendant’s unlawful delivery of the controlled substance(s) was the proximate cause of the user’s death, it would be your duty to return a verdict of guilty of death by distribution through unlawful delivery with malice of (a) certain controlled substance(s). If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. “Certain Controlled Substances” is defined under N.C. Gen. Stat. § 14-18.4 as any opium, opiate, or opioid; any synthetic or natural salt, compound, derivative, or preparation of opium, opiate, or opioid; cocaine or any other substance described in G.S. 90-90(1)(d); methamphetamine; a depressant described in G.S. 90-92(a)(1); or a mixture of one or more of these substances.

2. If the delivery of more than one controlled substance is alleged, then edit this element accordingly.

N.C.P.I.—Crim. 207.80A.1

FELONIOUS SEXUAL ACTIVITY WITH A STUDENT (BY TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER, COACH). (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

REPLACEMENT JANUARY 2024

N.C. Gen. Stat. § 14-27.32

207.80A.1 FELONIOUS SEXUAL ACTIVITY WITH A STUDENT (BY TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACH, SCHOOL SAFETY OFFICER, COACH). (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

NOTE WELL: School safety officers were added to the statute effective December 1, 2003, and are covered by the statute for offenses committed on or after that date.

This instruction is valid for offenses committed on or after December 1, 2015. For offenses committed before December 1, 2015, use N.C.P.I.-Crim. 207.80.

The defendant has been charged with felonious sexual activity with a student.

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt:

First, that the alleged victim was a student.¹

Second, that the defendant was a [teacher] [school administrator] [student teacher] [school safety officer]² [coach] at the same school³ as the alleged victim.

Third, that the defendant:

- a) Engaged in vaginal intercourse with the alleged victim. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)
- b) Engaged in a sexual act with the alleged victim. A sexual act means:
 1. [cunnilingus, which is any touching, however slight, by the lips or tongue of one person to any part of the female sex organ of another.]⁴

N.C.P.I.—Crim. 207.80A.1

FELONIOUS SEXUAL ACTIVITY WITH A STUDENT (BY TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER, COACH).

(OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

REPLACEMENT JANUARY 2024

N.C. Gen. Stat. § 14-27.32

-
2. [fellatio, which is any touching, by the lips or tongue of one person and the male sex organ of another.]⁵
 3. [analingus, which is any contact between the tongue or lips of one person and the anus of another.]
 4. [anal intercourse, which is any penetration, however slight, of the anus of one person by the male sex organ of another.]
 5. [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]⁶

And Fourth, that this act occurred [during] [after] the time the defendant and the alleged victim were present together in the same school.⁷

(Consent is no defense to this charge.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the alleged victim was a student, that the defendant was a [teacher] [school administrator] [student teacher] [school safety officer] [coach] at the same school as the alleged victim, that the defendant engaged in [vaginal intercourse] [a sexual act] with the alleged victim, and that this act occurred [during] [after] the time the defendant and the alleged victim were present together in the same school, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. "Student" means a person enrolled in kindergarten, or in grade one through grade 12 in any school within six months of any violation of this section. N.C. Gen. Stat. § 14-27.32(e)(4).

2. "School safety officer" means a school resource officer or any other person who is regularly present in a school for the purpose of promoting and maintaining safe and orderly schools. N.C. Gen. Stat. § 14-27.32(e)(3).

N.C.P.I.—Crim. 207.80A.1

FELONIOUS SEXUAL ACTIVITY WITH A STUDENT (BY TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER, COACH).

(OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

REPLACEMENT JANUARY 2024

N.C. Gen. Stat. § 14-27.32

3. "School" "means any public school, charter school, or nonpublic school under Parts 1 and 2 of Article 39 of Chapter 115C of the General Statutes." N.C. Gen. Stat. § 14-202.4(d)(2). "Same school" means a school at which the student is enrolled and the school personnel is employed or volunteers, as set out in Section 1 of the Statute.

4. *State v. Ludlum*, 303 N.C. 666 (1981), held that penetration of the female sex organ is not required to complete the act of cunnilingus under the Sexual Offense Statutes set out in N.C. Gen. Stat. § 14-27.4 *et seq.* However, the Court did specifically adhere to the rule of earlier cases that penetration is required to complete the offense of Crime Against Nature. (N.C. Gen. Stat. § 14-177; N.C.P.I.-Crim. 226.10).

5. *State v. Warren*, 309 N.C. 224 (1983), held that Crime Against Nature is not a lesser included offense of First or Second Degree Sexual Offense (fellatio), but when the bill of indictment charges anal intercourse, *Warren* infers that crime against nature is a lesser included offense of anal intercourse.

6. N.C. Gen. Stat. § 14-27.20 provides that it shall be an affirmative defense to the fifth type of sexual act, that the penetration was for accepted medical purposes. If there is evidence of such a purpose, instruct accordingly at the end of the charge.

7. "Same school" means a school at which the student is enrolled and the school personnel is employed or volunteers.

N.C.P.I.—Crim. 207.80B.1

FELONIOUS SEXUAL ACTIVITY WITH A STUDENT (BY MEMBER OF SCHOOL PERSONNEL OTHER THAN TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER, COACH). (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY; MISDEMEANOR.

REPLACEMENT JANUARY 2024

N.C. Gen. Stat. § 14-27.32

207.80B.1 FELONIOUS SEXUAL ACTIVITY WITH A STUDENT (BY MEMBER OF SCHOOL PERSONNEL OTHER THAN TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER,¹ COACH). (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY; MISDEMEANOR.²

NOTE WELL: School safety officers were added to the statute effective December 1, 2003, and applies to offenses committed on or after that date.

This instruction is valid for offenses committed on or after December 1, 2015. For offenses committed before December 1, 2015, use N.C.P.I.-Crim. 207.80B.

The defendant has been charged with felonious sexual activity with a student.

For you to find the defendant guilty of this offense, the State must prove five things beyond a reasonable doubt.

First, that the alleged victim was a student.³

Second, that the defendant was a member of the school personnel⁴ at the same school⁵ as the alleged victim. [(Name position) is a member of the school personnel.]

Third, that the defendant was at least four years older than the alleged victim.

Fourth, that the defendant:

- a) Engaged in vaginal intercourse with the alleged victim. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)
- b) Engaged in a sexual act with the alleged victim. A sexual act means:

N.C.P.I.—Crim. 207.80B.1

FELONIOUS SEXUAL ACTIVITY WITH A STUDENT (BY MEMBER OF SCHOOL PERSONNEL OTHER THAN TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER, COACH). (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY; MISDEMEANOR.

REPLACEMENT JANUARY 2024

N.C. Gen. Stat. § 14-27.32

1. [cunnilingus, which is any touching, however slight, by the lips or tongue of one person to any part of the female sex organ of another.]⁶
2. [fellatio, which is any touching, by the lips or tongue of one person and the male sex organ of another.]⁷
3. [analingus, which is any contact between the tongue or lips of one person and the anus of another.]
4. [anal intercourse, which is any penetration, however slight, of the anus of one person by the male sex organ of another.]
5. [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]⁸

And Fifth, that this act occurred at some time [during] [after] the time the defendant and the alleged victim were present together in the same school.⁹

(Consent is no defense to this charge.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the alleged victim was a student, that the defendant was a member of the school personnel at the same school as the alleged victim, that the defendant was at least four years older than the alleged victim, that the defendant engaged in [vaginal intercourse] [a sexual act] with the alleged victim, and that this act occurred at some time [during] [after] the time the defendant and the alleged victim were present together in the same school, it would be your duty to return a verdict of guilty of felonious sexual activity with a student. If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of

N.C.P.I.—Crim. 207.80B.1

FELONIOUS SEXUAL ACTIVITY WITH A STUDENT (BY MEMBER OF SCHOOL PERSONNEL OTHER THAN TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER, COACH). (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY; MISDEMEANOR.

REPLACEMENT JANUARY 2024

N.C. Gen. Stat. § 14-27.32

felonious sexual activity with a student,¹⁰ but will consider whether the defendant is guilty of misdemeanor sexual activity with a student. The misdemeanor differs from the felony in that the State need not prove that the defendant was at least four years older than the alleged victim.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the alleged victim was a student, that the defendant was a member of the school personnel at the same school as the alleged victim, that the defendant engaged in [vaginal intercourse] [a sexual act] with the alleged victim, and that this act occurred at some time [during] [after] the time the defendant and the alleged victim were present together in the same school, it would be your duty to return a verdict of guilty of misdemeanor sexual activity with a student. If you do not so find or if you have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. "School safety officer" means a school resource officer or any other person who is regularly present in a school for the purpose of promoting and maintaining safe and orderly schools. N.C. Gen. Stat. § 14-27.32(e)(3).

2. A defendant who is school personnel, other than a teacher, school administrator, student teacher, school safety officer, or coach, and is less than four years older than the alleged victim and engages in vaginal intercourse or a sexual act with an alleged victim who is a student, is guilty of a Class A1 misdemeanor.

3. "Student" means a person enrolled in kindergarten, or in grade one through grade 12 in any school within six months of any violation of this section. N.C. Gen. Stat. § 14-27.32(e)(4).

4. "School Personnel" means any employee of a local board of education whether full-time or part-time, or independent contractor or employee of an independent contractor of a local board of education, if the independent contractor carries out duties customarily performed by school personnel, whether paid with federal, State, local or other funds, who has significant access to students. School personnel also include substitute teachers, driver training teachers, bus drivers, clerical staff, and custodians. N.C. Gen. Stat. § 115C-332(a)(2). In addition, N.C. Gen. Stat. § 14-202.4(d)(3) includes "those employed by a nonpublic, charter, or regional school, and any person who volunteers at a school or a school-sponsored activity."

N.C.P.I.—Crim. 207.80B.1

FELONIOUS SEXUAL ACTIVITY WITH A STUDENT (BY MEMBER OF SCHOOL PERSONNEL OTHER THAN TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER, COACH). (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY; MISDEMEANOR.

REPLACEMENT JANUARY 2024

N.C. Gen. Stat. § 14-27.32

5. "School" "means any public school, charter school, or nonpublic school under Parts 1 and 2 of Article 39 of Chapter 115C of the General Statutes." N.C. Gen. Stat. § 14-202.4(d)(2). "Same school" means a school at which the student is enrolled and the school personnel is employed or volunteers.

6. *State v. Ludlum*, 303 N.C. 666 (1981), held that penetration of the female sex organ is not required to complete the act of cunnilingus under the Sexual Offense Statutes set out in N.C. Gen. Stat. § 14-27.4 *et seq.* However, the Court did specifically adhere to the rule of earlier cases that penetration is required to complete the offense of Crime Against Nature. (N.C. Gen. Stat. § 14-177; N.C.P.I.—Crim. 226.10).

7. *State v. Warren*, 309 N.C. 224 (1983), held that Crime Against Nature is not a lesser included offense of First or Second Degree Sexual Offense (fellatio), but when the bill of indictment charges anal intercourse, *Warren* infers that crime against nature is a lesser included offense of anal intercourse.

8. N.C. Gen. Stat. § 14-27.1(d) provides that it shall be an affirmative defense to the fifth type of sexual act, that the penetration was for accepted medical purposes. If there is evidence of such a purpose, instruct accordingly at the end of the charge.

9. See note 5, *supra*.

10. If there is to be no instruction on lesser included offenses, the last phrase should be: ". . .it would be your duty to return a verdict of not guilty."

N.C.P.I.—Crim. 207.81
FAILURE TO REPORT MISCONDUCT OF A LICENSED SCHOOL EMPLOYEE.
FELONY.
GENERAL CRIMINAL VOLUME
FEBRUARY 2024
N.C. Gen. Stat. § 115C-326.20

207.81 FAILURE TO REPORT MISCONDUCT OF A LICENSED SCHOOL
EMPLOYEE. FELONY.

The defendant has been charged with failure to report misconduct of a licensed school employee.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that the defendant was a(n) [superintendent] [assistant superintendent] [associate superintendent] [personnel administrator] [principal].

Second, that the defendant [knew] [had reason to believe] [had actual notice of a complaint] that an employee¹ had engaged in misconduct² resulting in [dismissal] [disciplinary action] [resignation].

And Third, that the defendant failed to report the misconduct to the State Board of Education within five days of [dismissal of] [determination of disciplinary action against] [acceptance of resignation of]³ the employee.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was a(n) [superintendent] [assistant superintendent] [associate superintendent] [personnel administrator] [principal] who [knew] [had reason to believe] [had actual notice of a complaint] that an employee had engaged in misconduct resulting in [dismissal] [disciplinary action] [resignation] and that the defendant failed to report the misconduct to the State Board of Education within five days of [dismissal of] [determination of disciplinary action against] [acceptance of resignation of] the employee, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

N.C.P.I.—Crim. 207.81
FAILURE TO REPORT MISCONDUCT OF A LICENSED SCHOOL EMPLOYEE.
FELONY.
GENERAL CRIMINAL VOLUME
FEBRUARY 2024
N.C. Gen. Stat. § 115C-326.20

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1. An employee licensed under Article 17E of this Chapter.
 2. "Misconduct" includes conduct that justifies automatic revocation of a license under N.C. Gen. Stat. 115C-270.35(b) and the infliction of a physical injury against a child other than by accident or in self-defense. N.C. Gen. Stat. § 115C-326.20(a).
 3. If the employee resigns within 30 days of a complaint for misconduct or during an ongoing investigation of a complaint, the misconduct is presumed to have resulted in the resignation.

N.C.P.I.—Crim. 208.70
ASSAULT ON A FEMALE BY A MALE PERSON. MISDEMEANOR.
GENERAL CRIMINAL VOLUME
REPLACEMENT APRIL 2024
N.C. Gen. Stat. § 14-33(c)(2)

208.70 ASSAULT ON A FEMALE BY A MALE PERSON. MISDEMEANOR.

The defendant, a male person, has been charged¹ with assault² on a female.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that the defendant intentionally³ (and without justification or excuse)⁴ assaulted the alleged victim by (*describe assault*).

Second, that the alleged victim was a female person.

And Third, that the defendant was a male person, at least eighteen years of age.

NOTE WELL: If self-defense is an issue, use N.C.P.I.—Crim. 308.40.⁵

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was a male person, at least 18 years of age, and that he intentionally assaulted the alleged victim by (*describe assault*) and that the alleged victim was a female person, (nothing else appearing) it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. If the defendant is also convicted of a felony assault or assault causing serious bodily injury the Court should arrest judgment on the assault on a female charge. *State Jamison, No. COA13-1328, N.C. Ct. App. 2014 (recognizing that the statute limited the trial court's authority and is limited to impose punishment for assault on a female when punishment is also imposed for higher class offenses that apply to the same conduct).*

2. If a definition of assault is needed, see N.C.P.I.—Crim 120.20.

3. If a definition of intent is needed, see N.C.P.I.—Crim 120.10.

4. The parenthetical phrase should be used only where there is evidence of justification or excuse, such as self-defense.

N.C.P.I.—Crim. 208.70
ASSAULT ON A FEMALE BY A MALE PERSON. MISDEMEANOR.
GENERAL CRIMINAL VOLUME
REPLACEMENT APRIL 2024
N.C. Gen. Stat. § 14-33(c)(2)

5. Including self-defense in the mandate is required by *S. v. Dooley*, 285 N.C. 158 (1974).

N.C.P.I.—Crim. 208.78
ASSAULT ON A PREGNANT WOMAN. MISDEMEANOR.
GENERAL CRIMINAL VOLUME
APRIL 2024
N.C. Gen. Stat. § 14-33(c)(2a)

208.78 ASSAULT ON A PREGNANT WOMAN. MISDEMEANOR.

The defendant, has been charged with assault¹ on a pregnant woman.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant intentionally² (and without justification or excuse)³ assaulted the alleged victim by (*describe assault*).

And Second, that the alleged victim was a pregnant woman.

NOTE WELL: If self-defense is an issue, use N.C.P.I.—Crim. 308.40.⁴

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally assaulted the alleged victim by (*describe assault*) and that the alleged victim was a pregnant woman, (nothing else appearing) it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

1. If a definition of assault is needed, see N.C.P.I.—Crim 120.20.

2. If a definition of intent is needed, see N.C.P.I.—Crim 120.10.

3. The parenthetical phrase should be used only where there is evidence of justification or excuse, such as self-defense.

4. Including self-defense in the mandate is required by *S. v. Dooley*, 285 N.C. 158 (1974).

208.79 MISDEMEANOR CRIME OF DOMESTIC VIOLENCE. MISDEMEANOR.

The defendant has been charged with misdemeanor crime of domestic violence.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant [[used] [attempted to use] physical force]] [[threatened the use of a deadly weapon]] against another person. [(Name object) is a deadly weapon.] [A deadly weapon is a weapon which is likely to cause death or serious bodily injury].¹

And Second, that the defendant was [[a current or former [spouse] [parent] [guardian of the victim]] [a person with whom the victim shares a child in common] [[a person who [is cohabitating with] [has cohabitated with] the victim as a [spouse] [parent] [guardian]] [[a person similarly situated to a [spouse] [parent] [guardian of the victim]] [[a person who has a [current] [recent former] dating relationship² with the victim]].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [[used] [attempted to use] physical force]] [[threatened the use of a deadly weapon]] against another person and that the defendant was [[a current or former [spouse] [parent] [guardian of the victim]] [a person with whom the victim shares a child in common] [[a person who [is cohabitating with] [has cohabitated with] the victim as a [spouse] [parent] [guardian]] [[a person similarly situated to a [spouse] [parent] [guardian of the victim]] [[a person who has a [current] [recent former] dating relationship with the victim]], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

N.C.P.I.—Crim. 208.79
MISDEMEANOR CRIME OF DOMESTIC VIOLENCE. MISDEMEANOR.
GENERAL CRIMINAL VOLUME
MAY 2024
N.C. Gen. Stat. § 14-32.5

1. Use appropriate bracketed statement. In determining whether (*name object*) was a deadly weapon, you should consider the nature of (*name object*), the manner in which it was used, and the size and strength of the defendant as compared to the victim. In the event that there is a dispute as to which weapon was used and one of the weapons is non-deadly as a matter of law, *e.g.*, a real pistol and a toy pistol, state what would not be a deadly weapon.

2. For a definition of “dating relationship” see 18 U.S.C. § 921(a)(37).

N.C.P.I.—Crim. 208.93
POINTING A LASER DEVICE AT LAW ENFORCEMENT, MILITARY, OR
EMERGENCY PERSONNEL. FELONY
GENERAL CRIMINAL VOLUME
DECEMBER 2023
N.C. Gen. Stat. § 14-34.8(b)(1).

208.93 POINTING A LASER DEVICE AT LAW ENFORCEMENT, MILITARY, OR
EMERGENCY PERSONNEL. FELONY.

The defendant has been charged with pointing a laser device at law enforcement, military, or emergency personnel.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant intentionally¹ pointed a laser² device while the laser device was emitting a laser beam at a(n) [law enforcement officer] [[probation] [parole] officer] [person whose employment duties include the [custody] [transportation] [management] of persons who are detained or confined to a [detention facility] [youth development center] [correctional institution] operated under the jurisdiction of the State or local government] [firefighter] [[emergency medical technician] [other emergency health care provider]] [member of the North Carolina National Guard] [member of any branch of the Armed Forces of the United States] [court counselors whose employment duties include intake, probation, post-release supervision, and court supervision services of juveniles].

And Second, that the alleged victim was in the performance of his or her duties.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally pointed a laser device while the laser device was emitting a laser beam at a(n) [law enforcement officer] [[probation] [parole] officer] [person whose employment duties include the [custody] [transportation] [management] of persons who are detained or confined to a [detention facility] [youth development center] [correctional institution] operated under the jurisdiction of the State or local government]

N.C.P.I.—Crim. 208.93

POINTING A LASER DEVICE AT LAW ENFORCEMENT, MILITARY, OR
EMERGENCY PERSONNEL. FELONY

GENERAL CRIMINAL VOLUME

DECEMBER 2023

N.C. Gen. Stat. § 14-34.8(b)(1).

[firefighter] [[emergency medical technician] [other emergency health care provider]] [member of the North Carolina National Guard] [member of any branch of the Armed Forces of the United States] [court counselors whose employment duties include intake, probation, post-release supervision, and court supervision services of juveniles], and the alleged victim was in the performance of his or her duties, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

1. If a definition of intent is required, see N.C.P.I.—Crim. 120.10.

2. "Laser" is defined as "[l]ight amplification by stimulated emission of radiation." N.C. Gen. Stat. § 14-34.8.

N.C.P.I.—Crim. 208.93A
POINTING A LASER DEVICE AT A [LAW ENFORCEMENT AGENCY ANIMAL]
[SEARCH AND RESCUE ANIMAL]. MISDEMEANOR.
GENERAL CRIMINAL VOLUME
DECEMBER 2023
N.C. Gen. Stat. § 14-34.8(b)(3).

208.93A POINTING A LASER DEVICE AT A [LAW ENFORCEMENT AGENCY ANIMAL] [SEARCH AND RESCUE ANIMAL]. MISDEMEANOR.

The defendant has been charged with pointing a laser device at a [law enforcement agency animal] [search and rescue animal].

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, the defendant intentionally¹ pointed a laser² device while the laser device was emitting a laser beam at a [law enforcement agency animal]³ [search and rescue animal].⁴

Second, the [law enforcement agency animal] [search and rescue animal] was in the performance of its duty.

And Third, the [law enforcement agency animal] [search and rescue animal] was caused harm.⁵

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally pointed a laser device while the laser device was emitting a laser beam at a [law enforcement agency animal] [search and rescue animal], the [law enforcement agency animal] [search and rescue animal] was in the performance of its duty, and the [law enforcement agency animal] [search and rescue animal] was caused harm, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. If a definition of intent is required, see N.C.P.I.—Crim. 120.10.

2. "Laser" is defined as "[l]ight amplification by stimulated emission of radiation." N.C. Gen. Stat. § 14-34.8.

N.C.P.I.—Crim. 208.93A
POINTING A LASER DEVICE AT A [LAW ENFORCEMENT AGENCY ANIMAL]
[SEARCH AND RESCUE ANIMAL]. MISDEMEANOR.
GENERAL CRIMINAL VOLUME
DECEMBER 2023
N.C. Gen. Stat. § 14-34.8(b)(3).

3. "Law enforcement agency animal" is defined in N.C. Gen. Stat. § 14-163.1(a)(2).
4. "Search and rescue animal" is defined in N.C. Gen. Stat. § 14-163.1(a)(3a).
5. "Harm" is defined in N.C. Gen. Stat. § 14-163.1(a)(3).

N.C.P.I.—Crim. 208.95A
ASSAULT WITH A FIREARM OR OTHER DEADLY WEAPON UPON EMERGENCY
MEDICAL SERVICES PERSONNEL. FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT JANUARY 2024
N.C. Gen. Stat. § 14-34.6

208.95A ASSAULT WITH A FIREARM OR OTHER DEADLY WEAPON UPON
EMERGENCY MEDICAL SERVICES PERSONNEL.¹ FELONY.

The defendant has been charged with assault with a [firearm] [deadly
weapon] upon an emergency medical services person while such person was
in the performance of *his* duties.

For you to find the defendant guilty of this offense, the State must prove
five things beyond a reasonable doubt.

First, that the defendant assaulted the victim by intentionally² (and
without justification or excuse)³ (*describe assault*).

Second, that the defendant used a [firearm. (*Describe firearm*) is a
firearm] [deadly weapon. A deadly weapon is a weapon which is likely to cause
death or serious bodily injury. In determining whether (*name object*) is a
deadly weapon, you should consider the nature of (*name object*), the manner
in which it was used, and the size and strength of the defendant as compared
to the victim].

Third, that the victim was an emergency medical services person.

Fourth, that the defendant knew or had reasonable grounds to believe
that the victim was an emergency medical services person.

And Fifth, that the victim was [discharging] [attempting to discharge]
an official duty. (*Describe what victim was doing, e.g., providing care for a
patient*) is an official duty of an emergency medical services person.⁴

*NOTE WELL: If self-defense is an issue, use N.C.P.I.—Crim.
308.45.*

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date, the defendant intentionally (and without justification
or excuse) (*describe assault*) the victim with a [firearm] [(*name object*) (and

N.C.P.I.—Crim. 208.95A
ASSAULT WITH A FIREARM OR OTHER DEADLY WEAPON UPON EMERGENCY
MEDICAL SERVICES PERSONNEL. FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT JANUARY 2024
N.C. Gen. Stat. § 14-34.6

that (*name object*) was a deadly weapon)⁵], and that the victim was an emergency medical services person, who was [discharging] [attempting to discharge] an official duty, and that the defendant knew or had reasonable grounds to believe that the victim was an emergency medical services person, it would be your duty to return a verdict of guilty. However, if you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.⁶

1. N.C. Gen. Stat. § 14-34.6 relates to assaults or affrays on emergency medical technician or other emergency health care provider, medical responders, hospital employees, medical practice employees, licensed health care providers, individuals under contract to provide services at a hospital or medical practice, firefighters, and hospital security personnel.

2. If a definition of intent is required, see N.C.P.I.—Crim. 120.10.

3. The parenthetical phrase should be used only where there is evidence of justification or excuse.

4. Where the state contends that the victim was doing one thing, which would be a duty of his office, but there is evidence that he may have been doing something else which would not be a duty of his office, state what would and would not be a duty of the victim's office.

5. The parenthetical phrase should be given only where the weapon may not have been deadly *per se* and the third bracketed phrase has been used in the second element above.

6. If there is to be a charge on a lesser included offense, the last phrase should be “. . . you would not return a verdict of guilty as charged.”

N.C.P.I.—Crim. 208.95B
ASSAULT WITH A DEADLY WEAPON UPON AN OFFICER OR EMPLOYEE OF
THE STATE OR OF ANY POLITICAL SUBDIVISION OF THE STATE, COMPANY
POLICE OFFICER, OR CAMPUS POLICE OFFICER. FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT DECEMBER 2023
N.C. Gen. Stat. § 14-34.2

208.95B ASSAULT WITH A DEADLY WEAPON UPON AN OFFICER OR
EMPLOYEE OF THE STATE OR OF ANY POLITICAL SUBDIVISION OF THE
STATE, COMPANY POLICE OFFICER, OR CAMPUS POLICE OFFICER. FELONY.

NOTE WELL: Where the victim is a law enforcement, probation, or parole officer or a person employed at a state or local detention center use N.C.P.I.—Crim. 208.95. Where the victim is a law enforcement officer and the state contends only that the officer was making or attempting to make an arrest, use N.C.P.I.—Crim. 208.81 series, where no deadly weapon was used.

The defendant has been charged with assault with a deadly weapon upon a(n)

[(a) [officer] [employee] of [the State] [a political subdivision of the State]]

[(b) [company] [campus] police officer]¹ while such [officer] [employee] was in the performance of an official duty.

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt.

First, that the defendant assaulted the alleged victim by intentionally² (and without justification or excuse)³ (*describe assault*).

Second, that the defendant used a deadly weapon. A deadly weapon is a weapon which is likely to cause death or serious bodily injury. In determining whether (*name object*) is a deadly weapon, you should consider the nature of (*name object*), the manner in which it was used, and the size and strength of the defendant as compared to the victim].

Third, that the victim was a(n)

[(a) [officer] [employee] of [the State] [a political subdivision of the State]]

N.C.P.I.—Crim. 208.95B
ASSAULT WITH A DEADLY WEAPON UPON AN OFFICER OR EMPLOYEE OF
THE STATE OR OF ANY POLITICAL SUBDIVISION OF THE STATE, COMPANY
POLICE OFFICER, OR CAMPUS POLICE OFFICER. FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT DECEMBER 2023
N.C. Gen. Stat. § 14-34.2

[(b) [company] [campus] police officer] and the defendant knew or had reasonable grounds to know that the victim was such a [governmental [officer] [employee] [[company] [campus] police officer]. A(n) (*state victim's title, e.g., magistrate*) is an [[officer] [employee] of [the State] [a political subdivision of the State]] [[company] [campus] police officer].

And Fourth, that the alleged victim was performing an official duty of office. (*Describe what victim was doing, e.g., issuing a warrant*) is a duty of a (*state victim's title*).

NOTE WELL: If self-defense is an issue, use N.C.P.I.—Crim. 308.45.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally (and without justification or excuse) assaulted the alleged victim with a (*name object*) and that (*name object*) was a deadly weapon, and that the victim was a (*state victim's title*) and that the defendant knew or had reasonable grounds to know that the victim was a (*state victim's title*), and that the alleged victim was performing an official duty of office, it would be your duty to return a verdict of guilty. However, if you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.⁴

1. N.C. Gen. Stat. § 14-34.2 makes it a Class E felony to assault with a deadly weapon a company police officer certified pursuant to the provisions of Chapter 74E of the General Statutes or a campus police officer certified pursuant to the provisions of Chapter 17C or Chapter 116 of the General Statutes.

2. If a definition of intent is required, see N.C.P.I.—Crim. 120.10.

3. The parenthetical phrase should be used only where there is evidence of justification or excuse. If the justification is self-defense, use N.C.P.I.—Crim. 308.45.

N.C.P.I.—Crim. 208.95B
ASSAULT WITH A DEADLY WEAPON UPON AN OFFICER OR EMPLOYEE OF
THE STATE OR OF ANY POLITICAL SUBDIVISION OF THE STATE, COMPANY
POLICE OFFICER, OR CAMPUS POLICE OFFICER. FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT DECEMBER 2023
N.C. Gen. Stat. § 14-34.2

4. If there is to be an instruction on lesser included offenses, the last phrase should be: “. . . you will not return a verdict of guilty of assault with a [firearm] [deadly weapon] upon an [officer] [employee] of [the State] [a political subdivision of the State] while such [officer] [employee] was in the performance of an official duty.”

N.C.P.I.—Crim. 208.95F
ASSAULT ON EMERGENCY PERSONNEL—DANGEROUS [WEAPON]
[SUBSTANCE]. FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT SEPTEMBER 2023
N.C. Gen. Stat. § 14-288.9(d)

208.95F ASSAULT ON EMERGENCY PERSONNEL—DANGEROUS [WEAPON]
[SUBSTANCE]. FELONY.

The defendant has been charged with an assault on [a law enforcement officer] [a fireman] [an ambulance attendant] [a utility worker] [a doctor] [a nurse] [a member of the North Carolina National Guard] [*(describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency)*] with or through the use of any dangerous [weapon] [substance].

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt:

First, that the victim was a [a law enforcement officer] [a fireman] [an ambulance attendant] [a utility worker] [a doctor] [a nurse] [a member of the North Carolina National Guard] [*(describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency)*]¹;

Second, that the defendant assaulted the [law enforcement officer] [fireman] [ambulance attendant] [utility worker] [doctor] [nurse] [member of the North Carolina National Guard] [*(describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency)*] by (*describe assault*);

Third, that the defendant used a dangerous [weapon] [substance]² to carry out this assault by (*describe assault*);

And Fourth, that the assault was committed in an area [in which a declared state of emergency existed] [within the immediate vicinity of which a riot³ was occurring or was imminent].

N.C.P.I.—Crim. 208.95F
ASSAULT ON EMERGENCY PERSONNEL—DANGEROUS [WEAPON]
[SUBSTANCE]. FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT SEPTEMBER 2023
N.C. Gen. Stat. § 14-288.9(d)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the victim was [a law enforcement officer] [a fireman] [an ambulance attendant] [a utility worker] [a doctor] [a nurse] [a member of the North Carolina National Guard] [*describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency*], that the defendant assaulted the [law enforcement officer] [fireman] [ambulance attendant] [utility worker] [doctor] [nurse] [member of the North Carolina National Guard] [*describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency*], that the defendant used a dangerous [weapon] [substance] to carry out this assault, and that the assault was committed in an area [in which a declared state of emergency existed] [within the immediate vicinity of which a riot was occurring or was imminent], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of assault on emergency personnel through the use of a dangerous weapon or substance, but you must determine whether the defendant is guilty of felony assault on emergency personnel, which differs from assault on emergency personnel through the use of a dangerous weapon or substance in that the State need not prove beyond a reasonable doubt that the defendant used a dangerous weapon or substance to carry out the assault.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the victim was [a law enforcement officer] [a fireman] [an ambulance attendant] [a utility worker] [a doctor] [a nurse] [a member of the North Carolina National Guard] [*describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting*

N.C.P.I.—Crim. 208.95F
ASSAULT ON EMERGENCY PERSONNEL—DANGEROUS [WEAPON]
[SUBSTANCE]. FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT SEPTEMBER 2023
N.C. Gen. Stat. § 14-288.9(d)

to discharge his or her official duties during the emergency)), that the defendant assaulted the [law enforcement officer] [fireman] [ambulance attendant] [utility worker] [doctor] [nurse] [member of the North Carolina National Guard] [*describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency*]], and that the assault was committed in an area [in which a declared state of emergency existed] [within the immediate vicinity of which a riot was occurring or was imminent], it would be your duty to return a verdict of guilty of assault on emergency personnel. If you do not so find or have a reasonable doubt as to one or more of these things, then it would be your duty to return a verdict of not guilty.

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1. N.C. Gen. Stat. § 14-288.9 (b) defines emergency personnel.
 2. See N.C. Gen. Stat. § 14-288.1(2) for a definition of “dangerous weapon or substance.”
 3. For a definition of “riot,” see N.C. Gen. Stat. § 14-288.2(a).

N.C.P.I.—Crim. 208.95G
ASSAULT ON EMERGENCY PERSONNEL. FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT SEPTEMBER 2023
N.C. Gen. Stat. § 14-288.9(c)

208.95G ASSAULT ON EMERGENCY PERSONNEL. FELONY.

The defendant has been charged with assault upon [a law enforcement officer] [a fireman] [an ambulance attendant] [a utility worker] [a doctor] [a nurse] [a member of the North Carolina National Guard] [*describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency*)].

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that the victim was a [a law enforcement officer] [a fireman] [an ambulance attendant] [a utility worker] [a doctor] [a nurse] [a member of the North Carolina National Guard] [*describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency*)]¹;

Second, that the defendant assaulted the [law enforcement officer] [fireman] [ambulance attendant] [utility worker] [doctor] [nurse] [member of the North Carolina National Guard] [*describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency*)] by (*describe assault*);

And Third, that the assault was committed in an area [in which a declared state of emergency existed] [within the immediate vicinity of which a riot² was occurring or was imminent].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the victim was [a law enforcement officer] [a fireman] [an ambulance attendant] [a utility worker] [a doctor] [a nurse] [a member

N.C.P.I.—Crim. 208.95G
ASSAULT ON EMERGENCY PERSONNEL. FELONY.
GENERAL CRIMINAL VOLUME
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N.C. Gen. Stat. § 14-288.9(c)

of the North Carolina National Guard] [(describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency)], that the defendant assaulted the [law enforcement officer] [fireman] [ambulance attendant] [utility worker] [doctor] [nurse] [member of the North Carolina National Guard] [(describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency)], and that the assault was committed in an area [in which a declared state of emergency existed] [within the immediate vicinity of which a riot was occurring or was imminent], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, then it would be your duty to return a verdict of not guilty.

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1. N.C. Gen. Stat. § 14-288.9 (b) defines emergency personnel.
 2. For a definition of "riot," see N.C. Gen. Stat. § 14-288.2(a).

N.C.P.I.—Crim. 208.95H
ASSAULT ON AN EMERGENCY WORKER WITH A DEADLY WEAPON
INFLICTING SERIOUS INJURY. FELONY.
GENERAL CRIMINAL VOLUME
FEBRUARY 2024
N.C. Gen. Stat. § 14-32(d)

208.95H ASSAULT ON AN EMERGENCY WORKER WITH A DEADLY WEAPON
INFLICTING SERIOUS INJURY. FELONY.

The defendant has been charged with assault on an emergency worker¹ with a deadly weapon inflicting serious injury.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that the defendant assaulted a(n) [law enforcement officer] [firefighter] [emergency medical technician] [medical responder] by intentionally² (and without justification or excuse)³ (*describe assault*).

Second, that the defendant used a deadly weapon. A deadly weapon is a weapon which is likely to cause death or serious bodily injury. [(*Name object*) is a deadly weapon.] [In determining whether (*name object*) was a deadly weapon, you should consider the nature of (*name object*), the manner in which it was used, and the size and strength of the defendant as compared to the victim.]⁴

And Third, that the defendant inflicted serious injury⁵ upon the [law enforcement officer] [firefighter] [emergency medical technician] [medical responder].

NOTE WELL: If self-defense is an issue, use N.C.P.I.—Crim. 308.4.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally (*describe assault*) a(n) [law enforcement officer] [firefighter] [emergency medical technician] [medical responder] with a (*name object*) (and that (*name object*) was a deadly weapon),⁶ thereby inflicting serious injury upon the [law enforcement officer] [firefighter] [emergency medical technician] [medical responder], (nothing else appearing)⁷ it would be your duty to return a verdict of guilty.

N.C.P.I.—Crim. 208.95H
ASSAULT ON AN EMERGENCY WORKER WITH A DEADLY WEAPON
INFLECTING SERIOUS INJURY. FELONY.
GENERAL CRIMINAL VOLUME
FEBRUARY 2024
N.C. Gen. Stat. § 14-32(d)

If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

NOTE WELL: If self-defense is an issue, continue with mandate from N.C.P.I.—Crim. 308.45.⁸

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1. See N.C. Gen. Stat. 14-32(f).
 2. If a definition of intent is required, see N.C.P.I.—Crim. 120.10.
 3. The parenthetical phrase should be used only where there is some evidence of justification or excuse, such as self-defense.
 4. Use appropriate bracketed statement. In the event that there is a dispute as to which weapon was used and one of the weapons is non-deadly as a matter of law, *e.g.*, a real pistol and a toy pistol, state what would not be a deadly weapon.
 5. Serious injury may be defined as "such physical injury as causes great pain and suffering." See *S. v. Jones*, 258 N.C. 89 (1962); *S. v. Ferguson*, 261 N.C. 558 (1964). If there is evidence as to injuries which could not conceivably be considered anything but serious, the trial judge may instruct the jury as follows: "(Describe injury) would be a serious injury." *S. v. Johnson*, 320 N.C. 746 (1987).
 6. This parenthetical phrase should only be used where the weapon is not deadly *per se*.
 7. The parenthetical phrase should be used only where there is some evidence of justification or excuse, such as self-defense.
 8. Including self-defense in the mandate is required by *S. v. Woodsen*, 31 N.C. App. 400 (1976). *Cf. S. v. Dooley*, 285 N.C. 158 (1974).

N.C.P.I.—Crim. 208.95I
ASSAULT ON EMERGENCY PERSONNEL—SERIOUS BODILY INJURY. FELONY.
GENERAL CRIMINAL VOLUME
SEPTEMBER 2023
N.C. Gen. Stat. § 14-288.9(e)

208.95I ASSAULT ON EMERGENCY PERSONNEL—SERIOUS BODILY INJURY.
FELONY.

The defendant has been charged with assault causing serious bodily injury to [a law enforcement officer] [a fireman] [an ambulance attendant] [a utility worker] [a doctor] [a nurse] [a member of the North Carolina National Guard] [*describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency*].

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt:

First, that the victim was a [a law enforcement officer] [a fireman] [an ambulance attendant] [a utility worker] [a doctor] [a nurse] [a member of the North Carolina National Guard] [*describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency*]¹;

Second, that the defendant assaulted the [law enforcement officer] [fireman] [ambulance attendant] [utility worker] [doctor] [nurse] [member of the North Carolina National Guard] [*describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency*] by (*describe assault*);

Third, that the defendant inflicted serious bodily injury on the victim.

Serious bodily injury is bodily injury that creates or causes [a substantial risk of death] [serious permanent disfigurement] [coma] [a permanent or protracted condition that causes extreme pain] [permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization].²

N.C.P.I.—Crim. 208.95I
ASSAULT ON EMERGENCY PERSONNEL—SERIOUS BODILY INJURY. FELONY.
GENERAL CRIMINAL VOLUME
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N.C. Gen. Stat. § 14-288.9(e)

And Fourth, that the assault was committed in an area [in which a declared state of emergency existed] [within the immediate vicinity of which a riot³ was occurring or was imminent].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the victim was [a law enforcement officer] [a fireman] [an ambulance attendant] [a utility worker] [a doctor] [a nurse] [a member of the North Carolina National Guard] [*describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency*], that the defendant assaulted the [law enforcement officer] [fireman] [ambulance attendant] [utility worker] [doctor] [nurse] [member of the North Carolina National Guard] [*describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency*], that the defendant inflicted serious bodily injury on the victim, and that the assault was committed in an area [in which a declared state of emergency existed] [within the immediate vicinity of which a riot was occurring or was imminent], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of assault on emergency personnel causing serious bodily injury, but you must determine whether the defendant is guilty of felony assault on emergency personnel, which differs from assault on emergency personnel causing serious bodily injury in that the State need not prove beyond a reasonable doubt that the defendant inflicted serious bodily injury on the victim.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the victim was [a law enforcement officer] [a fireman] [an ambulance attendant] [a utility worker] [a doctor] [a nurse] [a member of the North Carolina National Guard] [*describe other persons lawfully*

N.C.P.I.—Crim. 208.95I
ASSAULT ON EMERGENCY PERSONNEL—SERIOUS BODILY INJURY. FELONY.
GENERAL CRIMINAL VOLUME
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engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency]], that the defendant assaulted the [law enforcement officer] [fireman] [ambulance attendant] [utility worker] [doctor] [nurse] [member of the North Carolina National Guard] [*describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency*]], and that the assault was committed in an area [in which a declared state of emergency existed] [within the immediate vicinity of which a riot was occurring or was imminent], it would be your duty to return a verdict of guilty of assault on emergency personnel. If you do not so find or have a reasonable doubt as to one or more of these things, then it would be your duty to return a verdict of not guilty.

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1. N.C. Gen. Stat. § 14-288.9(b) defines emergency personnel.
 2. N.C. Gen. Stat. § 14-32.4(a).
 3. For a definition of "riot," see N.C. Gen. Stat. § 14-288.2(a).

N.C.P.I.—Crim. 208.95J
ASSAULT ON AN EMERGENCY WORKER WITH A DEADLY WEAPON WITH
INTENT TO KILL. FELONY.
GENERAL CRIMINAL VOLUME
FEBRUARY 2024
N.C. Gen. Stat. § 14-32(e)

208.95J ASSAULT ON AN EMERGENCY WORKER WITH A DEADLY WEAPON
WITH INTENT TO KILL. FELONY.

The defendant has been charged with assault on an emergency worker¹ with a deadly weapon with intent to kill.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that the defendant assaulted a(n) [law enforcement officer] [firefighter] [emergency medical technician] [medical responder] by intentionally² (and without justification or excuse)³ (*describe assault*).

Second, that the defendant used a deadly weapon. A deadly weapon is a weapon which is likely to cause death or serious bodily injury. [(*Name object*) is a deadly weapon.] [In determining whether (*name object*) was a deadly weapon, you should consider the nature of (*name object*), the manner in which it was used, and the size and strength of the defendant as compared to the victim.]⁴

And Third, that the defendant had the specific intent to kill the [law enforcement officer] [firefighter] [emergency medical technician] [medical responder].

NOTE WELL: If self-defense is an issue, use N.C.P.I.—Crim. 308.45.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally assaulted (*describe assault*) a(n) [law enforcement officer] [firefighter] [emergency medical technician] [medical responder] with a (*name object*) (and that (*name object*) was a deadly weapon),⁵ intending to kill the [law enforcement officer] [firefighter] [emergency medical technician] [medical responder], (nothing

N.C.P.I.—Crim. 208.95J
ASSAULT ON AN EMERGENCY WORKER WITH A DEADLY WEAPON WITH
INTENT TO KILL. FELONY.
GENERAL CRIMINAL VOLUME
FEBRUARY 2024
N.C. Gen. Stat. § 14-32(e)

else appearing)⁶ it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.⁷

NOTE WELL: If self-defense is an issue, use mandate from N.C.P.I.—Crim. 308.45.⁸

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1. See N.C. Gen. Stat. 14-32(f).
 2. If a definition of intent is required, see N.C.P.I.—Crim. 120.10.
 3. The parenthetical phrase should be used only where there is evidence of justification or excuse, such as self-defense.
 4. Use appropriate bracketed statement. In the event that there is a dispute as to which weapon was used and one of the weapons is non-deadly as a matter of law, *e.g.*, a real pistol and a toy pistol, state what would not be a deadly weapon.
 5. This parenthetical phrase should only be used where the weapon is not deadly *per se*.
 6. The parenthetical phrase should be used only where there is some evidence of justification or excuse, such as self-defense.
 7. If there is to be instruction on lesser included offenses, the last phrase should be: “. . . you will not return a verdict of guilty of assault with a deadly weapon with intent to kill.”
 8. Including self-defense in the mandate is required by *S. v. Woodsen*, 31 N.C. App. 400 (1976). *Cf. S. v. Dooley*, 285 N.C. 158 (1974).

N.C.P.I.—Crim. 208.95K
ASSAULT ON EMERGENCY PERSONNEL—CAUSING DEATH. FELONY.
GENERAL CRIMINAL VOLUME
SEPTEMBER 2023
N.C. Gen. Stat. § 14-288.9(f)

208.95K ASSAULT ON EMERGENCY PERSONNEL—CAUSING DEATH. FELONY.

The defendant has been charged with assault causing the death of [a law enforcement officer] [a fireman] [an ambulance attendant] [a utility worker] [a doctor] [a nurse] [a member of the North Carolina National Guard] [*[(describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency)]*].

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt:

First, that the victim was a [a law enforcement officer] [a fireman] [an ambulance attendant] [a utility worker] [a doctor] [a nurse] [a member of the North Carolina National Guard] [*[(describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency)]*]¹;

Second, that the defendant assaulted the [law enforcement officer] [fireman] [ambulance attendant] [utility worker] [doctor] [nurse] [member of the North Carolina National Guard] [*[(describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency)]*] by (*describe assault*);

Third, that the assault was committed in an area [in which a declared state of emergency existed] [within the immediate vicinity of which a riot² was occurring or was imminent];

And Fourth, that the assault caused the death of the [law enforcement officer] [fireman] [ambulance attendant] [utility worker] [doctor] [nurse] [member of the North Carolina National Guard] [*[(describe other persons*

N.C.P.I.—Crim. 208.95K
ASSAULT ON EMERGENCY PERSONNEL—CAUSING DEATH. FELONY.
GENERAL CRIMINAL VOLUME
SEPTEMBER 2023
N.C. Gen. Stat. § 14-288.9(f)

lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency)].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the victim was [a law enforcement officer] [a fireman] [an ambulance attendant] [a utility worker] [a doctor] [a nurse] [a member of the North Carolina National Guard] [*(describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency)*], that the defendant assaulted the [law enforcement officer] [fireman] [ambulance attendant] [utility worker] [doctor] [nurse] [member of the North Carolina National Guard] [*(describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency)*], that the assault was committed in an area [in which a declared state of emergency existed] [within the immediate vicinity of which a riot was occurring or was imminent], and that the assault caused the death of the [law enforcement officer] [fireman] [ambulance attendant] [utility worker] [doctor] [nurse] [member of the North Carolina National Guard] [*(describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency)*], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of assault on emergency personnel causing death, but you must determine whether the defendant is guilty of felony assault on emergency personnel, which differs from assault on emergency personnel causing death in that the State need not prove beyond a reasonable doubt that the defendant's assault caused the death of the victim.

N.C.P.I.—Crim. 208.95K
ASSAULT ON EMERGENCY PERSONNEL—CAUSING DEATH. FELONY.
GENERAL CRIMINAL VOLUME
SEPTEMBER 2023
N.C. Gen. Stat. § 14-288.9(f)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the victim was [a law enforcement officer] [a fireman] [an ambulance attendant] [a utility worker] [a doctor] [a nurse] [a member of the North Carolina National Guard] [*describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency*], that the defendant assaulted the [law enforcement officer] [fireman] [ambulance attendant] [utility worker] [doctor] [nurse] [member of the North Carolina National Guard] [*describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency*], and that the assault was committed in an area [in which a declared state of emergency existed] [within the immediate vicinity of which a riot was occurring or was imminent], it would be your duty to return a verdict of guilty of assault on emergency personnel. If you do not so find or have a reasonable doubt as to one or more of these things, then it would be your duty to return a verdict of not guilty.

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1. N.C. Gen. Stat. § 14-288.9(b) defines emergency personnel.
 2. For a definition of "riot," see N.C. Gen. Stat. § 14-288.2(a).

210.70 SEXUAL SERVITUDE. FELONY.

NOTE WELL: For offenses involving sexual servitude of a minor use N.C.P.I.—Crim. 210.72.

NOTE WELL: Each violation of this section constitutes a separate offense and shall not merge with any other offense. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to support a conviction under this section.

The defendant has been charged with sexual servitude.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant, by [coercion] [deceit], [subjected] [maintained] [patronized] [solicited] [obtained] another person for the purpose(s) of any sexual activity¹ for which anything of value is directly or indirectly [given] [promised to] (or) [received by] any person [for the purpose(s) of any sexual activity that is performed or provided].

And Second, that the defendant did so [knowingly] [in reckless disregard of the consequences of the defendant's action].

NOTE WELL: For offenses occurring on or after December 1, 2018, if the defendant claims the defendant was a victim, and there is evidence to support this affirmative defense, the following language should be used:

(There is evidence in this case tending to show that the defendant was [coerced] [deceived] into committing this offense as a direct result of the defendant's status as a victim.² The burden of proving [coercion] [deceit] as a defense is on the defendant. It need not be proved beyond a reasonable doubt, but only to your satisfaction. The defendant would not be guilty of sexual servitude if:

First, the defendant was a victim of [human trafficking]³ [involuntary servitude]⁴ (or) [sexual servitude]⁵ at the time of the offense.

And Second, that the defendant was [coerced] [deceived] into committing the offense as a direct result of the defendant's status as a victim.

The defendant's assertion of [coercion] [deceit] is a denial that the defendant has committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [[knowingly] [in reckless disregard of the consequences of the action]], by [coercion] [deceit], [subjected] [maintained] [patronized] [solicited] [obtained] another person [for the purpose(s) of any sexual activity for which anything of value is directly or indirectly [given] [promised to] (or) [received by] any person [for the purpose(s) of any sexual activity that is performed or provided], (and that the defendant was not a victim who was [coerced] [deceived] into committing the offense of sexual servitude), it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. Sexual activity is defined in N.C. Gen. Stat. § 14-43.10 by reference to N.C. Gen. Stat. § 14-190.13.

2. N.C. Gen. Stat. § 14-43.16.

3. See N.C. Gen. Stat. § 14-43.11 for a definition of human trafficking.

4. See N.C. Gen. Stat. § 14-43.12 for a definition of involuntary servitude.

5. See N.C. Gen. Stat. § 14-43.13 for a definition of sexual servitude.

210.72 SEXUAL SERVITUDE OF A MINOR. FELONY.

NOTE WELL: Each violation of this section constitutes a separate offense and shall not merge with any other offense. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to support a conviction under this section.

The defendant has been charged with sexual servitude of a minor.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant, by [coercion] [deceit], [subjected] [maintained] [patronized] [solicited] [obtained] another person who was less than 18 years of age¹ [for the purpose(s) of any sexual activity² for which anything of value is directly or indirectly [given by] [promised to] (or) [received by] any person] [for the purpose(s) of any sexual activity that is performed or provided].

And Second, that the defendant did so [knowingly] [in reckless disregard of the consequences of the defendant's actions].

NOTE WELL: For offenses occurring on or after December 1, 2018, if the defendant claims the defendant was a victim, and there is evidence to support this affirmative defense, the following language should be used:

(There is evidence in this case tending to show that the defendant was [coerced] [deceived] into committing this offense as a direct result of the defendant's status as a victim.³ The burden of proving [coercion] [deceit] as a defense is on the defendant. It need not be proved beyond a reasonable doubt, but only to your satisfaction. The defendant would not be guilty of sexual servitude of a minor if:

First, the defendant was a victim of [human trafficking]⁴ [involuntary servitude]⁵ (or) [sexual servitude]⁶ at the time of the offense.

And Second, that the defendant was [coerced] [deceived] into committing the offense as a direct result of the defendant’s status as a victim.

The defendant’s assertion of [coercion] [deceit] is a denial that the defendant has committed any crime. The burden remains on the State to prove the defendant’s guilt beyond a reasonable doubt.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [[knowingly] [in reckless disregard of the consequences of the action]], by [coercion] [deceit], [subjected] [maintained] [patronized] [solicited] [obtained] another person who was less than 18 years of age [for the purpose(s) of any sexual activity for which anything of value is directly or indirectly [given by] [promised to] or [received by] any person [for the purpose(s) of any sexual activity that is performed or provided], (and that the defendant was not a victim who was [coerced] [deceived] into committing the offense of sexual servitude of a minor), it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. Mistake of age is not a defense to prosecution under this section. Consent of a minor is not a defense to prosecution under this section.

2. Sexual activity is defined in N.C. Gen. Stat. § 14-43.10 by reference to N.C. Gen. Stat. § 14-190.13.

3. N.C. Gen. Stat. § 14-43.16.

4. See N.C. Gen. Stat. § 14-43.11 for a definition of human trafficking.

5. See N.C. Gen. Stat. § 14-43.12 for a definition of involuntary servitude.

6. See N.C. Gen. Stat. § 14-43.13 for a definition of sexual servitude.

N.C.P.I.—Crim. 210.80
HUMAN TRAFFICKING INVOLVING INVOLUNTARY SERVITUDE. FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT DECEMBER 2023
N.C. Gen. Stat. § 14-43.10(a)(3), § 14-43.11, § 14-43.12

210.80 HUMAN TRAFFICKING INVOLVING INVOLUNTARY SERVITUDE.
FELONY.

NOTE WELL: For human trafficking involving involuntary servitude of a minor use N.C.P.I.—Crim. 210.84.

NOTE WELL: Each violation of this section constitutes a separate offense and shall not merge with any other offense. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to support a conviction under this section.

The defendant has been charged with human trafficking involving involuntary servitude.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant [[knowingly] [in reckless disregard of the consequences of the action]] [recruited] [enticed] [harbored] [transported] [provided] [patronized] [solicited] [obtained by any means] another person with the intent that the other person be held in involuntary servitude.

And Second, that in doing so, the defendant intentionally used violence or the threat of violence to [deceive] [coerce] [intimidate] that person to perform labor, whether or not for compensation, and whether or not for satisfaction of a debt.¹

NOTE WELL: For offenses occurring on or after December 1, 2018, if the defendant claims the defendant was a victim, and there is evidence to support this affirmative defense, the following language should be used:

(There is evidence in this case tending to show that the defendant was [coerced] [deceived] into committing this offense as a direct result of the defendant's status as a victim.² The burden of proving [coercion] [deceit] as a defense is upon the defendant. It need not be proved beyond a reasonable

doubt, but only to your satisfaction. The defendant would not be guilty of human trafficking involving involuntary servitude if:

First, the defendant was a victim of [human trafficking]³ [involuntary servitude]⁴ (or) [sexual servitude]⁵ at the time of the offense.

And Second, that the defendant was [coerced] [deceived] into committing the offense as a direct result of the defendant's status as a victim.

The defendant's assertion of [coercion] [deceit] is a denial that the defendant has committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [[knowingly] [in reckless disregard of the consequences of the action]] [recruited] [enticed] [harbored] [transported] [provided] [patronized] [solicited] [obtained by any means] another person with the intent that the other person be held in involuntary servitude], and that in doing so the defendant intentionally used violence or the threat of violence to [deceive] [coerce] [intimidate] that person to perform labor, whether or not for compensation, and whether or not for satisfaction of a debt, (and that the defendant was not a victim [coerced] [deceived] into committing the offense of human trafficking involving involuntary servitude), would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. See N.C. Gen. Stat. § 14-43.10 for the definition of coercion, deception, and involuntary servitude.

2. N.C. Gen. Stat. § 14-43.16.

3. See N.C. Gen. Stat. § 14-43.11 for a definition of human trafficking.

4. See N.C. Gen. Stat. § 14-43.12 for a definition of involuntary servitude.

5. See N.C. Gen. Stat. § 14-43.13 for a definition of sexual servitude.

N.C.P.I.—Crim. 210.82
HUMAN TRAFFICKING INVOLVING SEXUAL SERVITUDE. FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT DECEMBER 2023
N.C. Gen. Stat. § 14-43.11, § 14-43.13

210.82 HUMAN TRAFFICKING INVOLVING SEXUAL SERVITUDE. FELONY.

NOTE WELL: For human trafficking involving sexual servitude of a minor use N.C.P.I.—Crim. 210.86.

NOTE WELL: Each violation of this section constitutes a separate offense and shall not merge with any other offense. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to support a conviction under this section.

The defendant has been charged with human trafficking involving sexual servitude.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant [[knowingly] [in reckless disregard of the consequences of the action]] [recruited] [enticed] [harbored] [transported] [provided] [patronized] [solicited] [obtained by any means] another person in sexual servitude.

And Second, that in doing so the defendant intentionally, by [coercion] [deceit], [subjected] [maintained] [patronized] [solicited] [obtained] that person [for the purpose(s) of any sexual activity for which anything of value is directly or indirectly [given by] [promised to] (or) [received by] any person] [for the purpose(s) of any sexual activity¹ that is performed or provided].

NOTE WELL: For offenses occurring on or after December 1, 2018, if the defendant claims the defendant was a victim, and there is evidence to support this affirmative defense, the following language should be used:

(There is evidence in this case tending to show that the defendant was [coerced] [deceived] into committing this offense as a direct result of the defendant's status as a victim.² The burden of proving [coercion] [deceit] as a defense is on the defendant. It need not be proved beyond a reasonable

doubt, but only to your satisfaction. The defendant would not be guilty of human trafficking involving sexual servitude if:

First, the defendant was a victim of [human trafficking]³ [involuntary servitude]⁴ (or) [sexual servitude]⁵ at the time of the offense.

And Second, that the defendant was [coerced] [deceived] into committing the offense as a direct result of the defendant's status as a victim.

The defendant's assertion of [coercion] [deceit] is a denial that the defendant has committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [[knowingly] [in reckless disregard of the consequences of the action]] [recruited] [enticed] [harbored] [transported] [provided] [patronized] [solicited] [obtained by any means] another person with the intent to, by [coercion] [deceit], [subject] [maintain] [patronize] [solicit] [obtain] that person [for the purpose(s) of any sexual activity for which anything of value is directly or indirectly [given by], [promised to] (or) [received by] any person] [for the purpose(s) of any sexual activity that is performed or provided], (and that the defendant was not a victim who was [coerced] [deceived] into committing the offense of human trafficking involving sexual servitude), it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. Sexual activity is defined in N.C. Gen. Stat. § 14-43.10 by reference to N.C. Gen. Stat. § 14-190.13.

2. N.C. Gen. Stat. § 14-43.16

3. See N.C. Gen. Stat. § 14-43.11 for a definition of human trafficking.

4. See N.C. Gen. Stat. § 14-43.12 for a definition of involuntary servitude.

5. See N.C. Gen. Stat. § 14-43.13 for a definition of sexual servitude.

N.C.P.I.—Crim. 210.86

HUMAN TRAFFICKING OF A MINOR INVOLVING SEXUAL SERVITUDE.
FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT DECEMBER 2023

N.C. Gen. Stat. § 14-43.10(a)(5), § 14-43.11(b), § 14-43.13

210.86 HUMAN TRAFFICKING OF A MINOR INVOLVING SEXUAL SERVITUDE.
FELONY.

NOTE WELL: Each violation of this section constitutes a separate offense and shall not merge with any other offense. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to support a conviction under this section.

The defendant has been charged with human trafficking of a minor involving sexual servitude.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant [willfully] [in reckless disregard of the consequences of the action] held a minor, a person less than 18 years of age¹ in sexual servitude.

And Second, in doing so, the defendant intentionally, by [coercion] [deceit], [subjected] [maintained] [patronized] [solicited] [obtained] that person [for the purpose(s) of any sexual activity² for which anything of value is directly or indirectly [given by] [promised to] (or) [received by] any person] [for the purpose(s) of any sexual activity that is performed or provided].

NOTE WELL: For offenses occurring on or after December 1, 2018, if the defendant claims the defendant was a victim, and there is evidence to support this affirmative defense, the following language should be used:

(There is evidence in this case tending to show that the defendant was [coerced] [deceived] into committing this offense as a direct result of the defendant's status as a victim.³ The burden of proving [coercion] [deceit] as a defense is upon the defendant. It need not be proved beyond a reasonable doubt, but only to your satisfaction. The defendant would not be guilty of human trafficking of a minor involving sexual servitude if:

First, the defendant was a victim of [human trafficking]⁴ [involuntary servitude]⁵ (or) [sexual servitude]⁶ at the time of the offense.

And Second, that the defendant was [coerced] [deceived] into committing the offense as a direct result of the defendant's status as a victim.

The defendant's assertion of [coercion] [deceit] is a denial that the defendant has committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [willfully] [in reckless disregard of the consequences of the action] held a minor, and that in so doing, the defendant intentionally, by [coercion] [deceit], [subjected] [maintained] [patronized] [solicited] [obtained] the minor [for the purpose(s) of any sexual activity for which anything of value is directly or indirectly [given by] [promised to] (or) [received by] any person] [for the purpose(s) of any sexual activity that is performed or provided], (and that the defendant was not a victim [coerced] [deceived] into committing the offense of human trafficking of a minor involving sexual servitude), it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. Mistake of age is not a defense to prosecution under this section. Consent of a minor is not a defense to prosecution under this section.

2. Sexual activity is defined in N.C. Gen. Stat. § 14-43.10 by reference to N.C. Gen. Stat. § 14-190.13.

3. N.C. Gen. Stat. § 14-43.16

4. See N.C. Gen. Stat. § 14-43.11 for a definition of human trafficking.

5. See N.C. Gen. Stat. § 14-43.12 for a definition of involuntary servitude.

6. See N.C. Gen. Stat. § 14-43.13 for a definition of sexual servitude.

N.C.P.I.—Crim. 214.31A
SECOND-DEGREE TRESPASS. MISDEMEANOR.
GENERAL CRIMINAL VOLUME
REPLACEMENT OCTOBER 2023
N.C. Gen. Stat. § 14-159.13

214.31A SECOND-DEGREE TRESPASS. MISDEMEANOR.

NOTE WELL: By N.C. Gen. Stat. § 14-159.14 first and second degree trespass have been designated lesser-included offenses of breaking or entering a building under N.C. Gen. Stat. § 14-54 (see N.C.P.I.—Crim. 214.30 and N.C.P.I.—Crim. 214.34) and lesser-included offenses of felonious breaking or entering a vehicle or boat under N.C. Gen. Stat. § 14-56 (see N.C.P.I.—Crim. 214.40).

The defendant has been charged with second-degree trespass.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that the defendant [entered] [remained] on the premises of another.

Second, that the defendant did so without authorization.

And Third,

(a) [the defendant had been notified not to [enter] [remain there] by [the owner] [a person in charge of the premises] [a lawful occupant] [an authorized person]]

(b) [the premises were posted, in a manner reasonably likely to come to the attention of intruders with notice not to enter the premises.]

(c) [the defendant [entered] [remained] on the curtilage of a dwelling of another between the hours of midnight and 6:00 A.M.]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [entered] [remained] on the premises of another without authorization and that

(a) the defendant had been notified not to [enter] [remain] by [the owner] [a person in charge of the premises] [a lawful occupant] [an authorized person],

N.C.P.I.—Crim. 214.31A
SECOND-DEGREE TRESPASS. MISDEMEANOR.
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N.C. Gen. Stat. § 14-159.13

(b) the premises were posted, in a manner reasonably likely to come to the attention of intruders, with notice not to enter the premises,

(c) the defendant [entered] [remained] on the curtilage of a dwelling of another between the hours of midnight and 6:00 A.M., it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

N.C.P.I.—Crim. 214.40
BREAKING OR ENTERING INTO MOTOR VEHICLE AND LARCENY OF GOODS.
FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT MAY 2024
N.C. Gen. Stat. § 14-56(a2)(5)

214.40 BREAKING OR ENTERING INTO MOTOR VEHICLE AND LARCENY OF
GOODS. FELONY.¹

NOTE WELL: G.S. 14-56 was amended, effective December 1, 2015. For offenses committed after December 1, 2015, it is not a violation of this statute when a person breaks or enters a motor vehicle, boat, etc., to provide assistance to a person inside needing first aid or emergency health care treatment.

NOTE WELL: Defendant may be charged with intent to commit a felony other than larceny. For breaking or entering into a motor vehicle with the intent to commit a felony, see N.C.P.I—Crim 214.40A.

NOTE WELL: This instruction covers any offense not covered under N.C. Gen. Stat. § 14-56(a2)(1)-(4), for example, the larceny of goods valued under \$1,500. For breaking or entering into a motor vehicle and larceny of goods with a value exceeding [\$1,500 but no more than \$20,000] [\$20,000 but no more than \$50,000] [\$50,000 but no more than \$100,000] [\$100,000], see N.C.P.I—Crim 214.40B.

NOTE WELL: For offenses involving motor vehicles owned or operated by any law enforcement agency, the North Carolina National Guard or any branch of the Armed Forces of the United States, use N.C.P.I—Crim 214.46.

The defendant has been charged with breaking or entering into a motor vehicle with the intent to commit larceny therein.²

For you to find the defendant guilty of this offense, the State must prove five things beyond a reasonable doubt:

First, that there was

[a breaking³ by the defendant. (*State how breaking allegedly occurred*) would be a breaking.]

[an entry by the defendant. (*State how entry allegedly occurred*) would be an entry.]

N.C.P.I.—Crim. 214.40

BREAKING OR ENTERING INTO MOTOR VEHICLE AND LARCENY OF GOODS.
FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT MAY 2024

N.C. Gen. Stat. § 14-56(a2)(5)

[either a breaking or an entry by the defendant. (*State how breaking allegedly occurred*) would be a breaking. (*State how entry allegedly occurred*) would be an entry.]

Second, that it was a motor vehicle which was [broken into] [entered] [broken into or entered].

Third, that there [[was] [were]] [goods] [wares] [freight] [other thing of value (describe other thing of value)] in the motor vehicle.

Fourth, that the owner did not consent to the [breaking] [entering] [breaking or entering].

And Fifth, that at the time of the [breaking] [entering] [breaking or entering], the defendant intended⁴ to commit larceny therein. Larceny is the taking and carrying away of the personal property of another without that person's consent with the intent to deprive that person of its possession permanently. (If you find that the defendant was found in the motor vehicle and that the defendant had no lawful purpose for being there, you are permitted but not required to infer from this that the defendant entered with the intent to commit larceny therein.)

If you find from the evidence beyond a reasonable doubt, that on or about the alleged date, the defendant without the consent of the owner [broke into] [entered] [broke into or entered] another's motor vehicle which contained [goods] [wares] [freight] [other thing of value (describe other thing of value)], intending at that time to commit larceny therein, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

N.C.P.I.—Crim. 214.40

BREAKING OR ENTERING INTO MOTOR VEHICLE AND LARCENY OF GOODS.
FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT MAY 2024

N.C. Gen. Stat. § 14-56(a2)(5)

For you to find the defendant guilty of larceny, the State must prove five things beyond a reasonable doubt:

First, that the defendant took [goods] [wares] [freight] [other thing of value (describe other thing of value)] belonging to another person.⁵

Second, that the defendant carried away the [goods] [wares] [freight] [other thing of value (describe other thing of value)].⁶

Third, that the alleged victim did not consent to the taking and carrying away of the [goods] [wares] [freight] [other thing of value (describe other thing of value)].

Fourth, that at the time of the taking, the defendant intended to deprive the alleged victim of [its] [their] use permanently.⁷

Fifth, that the defendant knew *the defendant* was not entitled to take the [goods] [wares] [freight] [other thing of value (describe other thing of value)].⁸

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant took and carried away another person's [goods] [wares] [freight] [other thing of value (describe other thing of value)] without that person's consent knowing that they were not entitled to take it and intending at that time to deprive that person of [its] [their] use permanently, it would be your duty to return a verdict of guilty of larceny. If you do not so find or if you have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty on the larceny count.

1. Railroad cars, aircraft, boats or other watercraft, and trailers as well as motor vehicles are included under this statute.

N.C.P.I.—Crim. 214.40

BREAKING OR ENTERING INTO MOTOR VEHICLE AND LARCENY OF GOODS.
FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT MAY 2024

N.C. Gen. Stat. § 14-56(a2)(5)

2. This offense also includes breaking out of any railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind containing goods, wares, freight, or other thing of value after having committed any larceny therein.

3. A breaking need not be actual but may be by threat of force, by some trick or fraudulent representation. *State v. Jolly*, 297 N.C. 121, 254 S.E.2d 1 (1979).

4. If a definition of intent is required, see N.C.P.I.—Crim. 120.10.

5. If the property was severed from the possession of the owner and under the control of the defendant for any period of time, even if only for an instant, this would constitute a taking. *S. v. Carswell*, 296 N.C. 101 (1978).

6. In the event that there is some dispute as to asportation, the jury should be told that the slightest movement is sufficient. *S. V. Carswell*, 296 N.C. 101 (1978).

7. In the event that there is some dispute as to permanent deprivation, the jury should be told that an intent to temporarily deprive will not suffice. *State v. Watts*, 25 N.C. App. 194, 212 S.E.2d 557 (1975); *but cf.* *State v. Smith*, 268 N.C. 167 (1966).

8. In the event that the defendant relies on claim of right, the jury should be told that if the defendant honestly believed that he was entitled to take the property, he cannot be guilty of larceny. *State v. Fisher*, 70 N.C. 78 (1874).

N.C.P.I.—Crim. 214.40A
BREAKING OR ENTERING INTO MOTOR VEHICLE WITH THE INTENT TO
COMMIT A FELONY THEREIN. FELONY.
GENERAL CRIMINAL VOLUME
MAY 2024
N.C. Gen. Stat. § 14-56

214.40A BREAKING OR ENTERING INTO MOTOR VEHICLE WITH THE INTENT
TO COMMIT A FELONY THEREIN. FELONY.¹

NOTE WELL: G.S. 14-56 was amended, effective December 1, 2015. For offenses committed after December 1, 2015, it is not a violation of this statute when a person breaks or enters a motor vehicle, boat, etc., to provide assistance to a person inside needing first aid or emergency health care treatment.

NOTE WELL: For breaking or entering into a motor vehicle and larceny of goods, see N.C.P.I.—Crim 214.40. For breaking or entering into a motor vehicle and larceny of goods with a value exceeding [\$1,500 but no more than \$20,000] [\$20,000 but no more than \$50,000] [\$50,000 but no more than \$100,000] [\$100,000], see N.C.P.I.—Crim. 214.40B.

NOTE WELL: For offenses involving motor vehicles owned or operated by any law enforcement agency, the North Carolina National Guard, or any branch of the Armed Forces of the United States, use N.C.P.I.—Crim 214.46.

The defendant has been charged with breaking or entering into a motor vehicle with the intent to commit a felony therein.²

For you to find the defendant guilty of this offense, the State must prove five things beyond a reasonable doubt:

First, that there was

[a breaking³ by the defendant. (*State how breaking allegedly occurred*) would be a breaking.]

[an entry by the defendant. (*State how entry allegedly occurred*) would be an entry.]

[either a breaking or an entry by the defendant. (*State how breaking allegedly occurred*) would be a breaking. (*State how entry allegedly occurred*) would be an entry.]

N.C.P.I.—Crim. 214.40A
BREAKING OR ENTERING INTO MOTOR VEHICLE WITH THE INTENT TO
COMMIT A FELONY THEREIN. FELONY.
GENERAL CRIMINAL VOLUME
MAY 2024
N.C. Gen. Stat. § 14-56

Second, that it was a motor vehicle which was [broken into] [entered] [broken into or entered].

Third, that there [[was] [were]] [goods] [wares] [freight] [other thing of value (describe other thing of value)] in the motor vehicle.

Fourth, that the owner did not consent to the [breaking] [entering] [breaking or entering].

And Fifth, that at the time of the [breaking] [entering] [breaking or entering], the defendant intended⁴ to commit the felony of (name felony). (Define the felony and enumerate its elements using the Pattern Jury Instruction for that felony).⁵ (If you find that the defendant was found in the motor vehicle and that the defendant had no lawful purpose for being there, you are permitted but not required to infer from this that the defendant entered with the intent to commit a felony therein.)

If you find from the evidence beyond a reasonable doubt, that on or about the alleged date, the defendant without the consent of the owner [broke into] [entered] [broke into or entered] another's motor vehicle which contained [goods] [wares] [freight] [other thing of value (describe other thing of value)], intending at that time to commit the felony of (name felony) therein, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. Railroad cars, aircraft, boats or other watercraft, and trailers as well as motor vehicles are included under this statute.

2. This offense also includes breaking out of any railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind containing goods, wares, freight, or other thing of value after having committed any felony or larceny therein.

3. A breaking need not be actual but may be by threat of force, by some trick or fraudulent representation. *State v. Jolly*, 297 N.C. 121, 254 S.E.2d 1 (1979).

N.C.P.I.—Crim. 214.40A
BREAKING OR ENTERING INTO MOTOR VEHICLE WITH THE INTENT TO
COMMIT A FELONY THEREIN. FELONY.
GENERAL CRIMINAL VOLUME
MAY 2024
N.C. Gen. Stat. § 14-56

4. If a definition of intent is required, see N.C.P.I.—Crim. 120.10.

5. The crime that he allegedly intended to commit should be briefly defined. Failure to define the crime may constitute reversible error. *S. v. Elliot*, 21 N.C. App. 555 (1974).

N.C.P.I.—Crim. 214.40B

BREAKING OR ENTERING OF A MOTOR VEHICLE AND LARCENY OF GOODS WITH VALUE EXCEEDING [\$1,500 BUT NO MORE THAN \$20,000] [\$20,000 BUT NO MORE THAN \$50,000] [\$50,000 BUT NO MORE THAN \$100,000] [\$100,000]. FELONY.

GENERAL CRIMINAL VOLUME

MAY 2024

N.C. Gen. Stat. § 14-56(a2)(1)-(4)

214.40B BREAKING OR ENTERING OF A MOTOR VEHICLE AND LARCENY OF GOODS WITH VALUE EXCEEDING [\$1,500 BUT NO MORE THAN \$20,000] [\$20,000 BUT NO MORE THAN \$50,000] [\$50,000 BUT NO MORE THAN \$100,000] [\$100,000]. FELONY.¹

NOTE WELL: G.S. 14-56 was amended, effective December 1, 2015. For offenses committed after December 1, 2015, it is not a violation of this statute when a person breaks or enters a motor vehicle, boat, etc., to provide assistance to a person inside needing first aid or emergency health care treatment.

NOTE WELL: For any offense not covered under N.C. Gen. Stat. § 14-56(a2)(1)-(4), for example, breaking and entering of a motor vehicle and larceny of goods valued under \$1,500, see N.C.P.I.—Crim 214.40.

NOTE WELL: Defendant may be charged with intent to commit a felony other than larceny. For breaking or entering into a motor vehicle with the intent to commit a felony other than larceny, see N.C.P.I.—Crim 214.40A.

NOTE WELL: For offenses involving motor vehicles owned or operated by any law enforcement agency, the North Carolina National Guard or any branch of the Armed Forces of the United States, use N.C.P.I.—Crim 214.46.

The defendant has been charged with breaking or entering of a motor vehicle and larceny of goods with value exceeding [\$1,500 but no more than \$20,000] [\$20,000 but no more than \$50,000] [\$50,000 but no more than \$100,000] [\$100,000].²

For you to find the defendant guilty of breaking or entering of a motor vehicle, the State must prove five things beyond a reasonable doubt:

First, that there was

N.C.P.I.—Crim. 214.40B

BREAKING OR ENTERING OF A MOTOR VEHICLE AND LARCENY OF GOODS WITH VALUE EXCEEDING [\$1,500 BUT NO MORE THAN \$20,000] [\$20,000 BUT NO MORE THAN \$50,000] [\$50,000 BUT NO MORE THAN \$100,000] [\$100,000]. FELONY.

GENERAL CRIMINAL VOLUME

MAY 2024

N.C. Gen. Stat. § 14-56(a2)(1)-(4)

[a breaking³ by the defendant. (*State how breaking allegedly occurred*) would be a breaking.]

[an entry by the defendant. (*State how entry allegedly occurred*) would be an entry.]

[either a breaking or an entry by the defendant. (*State how breaking allegedly occurred*) would be a breaking. (*State how entry allegedly occurred*) would be an entry.]

Second, that it was a motor vehicle which was [broken into] [entered] [broken into or entered].

Third, that there [[was] [were]] [goods] [wares] [freight] [other thing of value (describe other thing of value)] in the motor vehicle.

Fourth, that the owner did not consent to the [breaking] [entering] [breaking or entering].

And Fifth, that at the time of the [breaking] [entering] [breaking or entering], the defendant intended⁴ to commit larceny therein. Larceny is the taking and carrying away of the personal property of another without that person's consent with the intent to deprive that person of its possession permanently. (If you find that the defendant was found in the motor vehicle and that the defendant had no lawful purpose for being there, you are permitted but not required to infer from this that the defendant entered with the intent to commit larceny therein.)

If you find from the evidence beyond a reasonable doubt, that on or about the alleged date, the defendant without the consent of the owner [broke into] [entered] [broke into or entered] another's motor vehicle which

N.C.P.I.—Crim. 214.40B

BREAKING OR ENTERING OF A MOTOR VEHICLE AND LARCENY OF GOODS WITH VALUE EXCEEDING [\$1,500 BUT NO MORE THAN \$20,000] [\$20,000 BUT NO MORE THAN \$50,000] [\$50,000 BUT NO MORE THAN \$100,000] [\$100,000]. FELONY.

GENERAL CRIMINAL VOLUME

MAY 2024

N.C. Gen. Stat. § 14-56(a2)(1)-(4)

contained [goods] [wares] [freight] [other thing of value (describe other thing of value)], intending at that time to commit larceny therein, it would be your duty to return a verdict of guilty of breaking or entering of a motor vehicle. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

For you to find the defendant guilty of larceny, the State must prove six things beyond a reasonable doubt:

First, that the defendant took [goods] [wares] [freight] [other thing of value (describe other thing of value)] belonging to another person.⁵

Second, that the defendant carried away the [goods] [wares] [freight] [other thing of value (describe other thing of value)].⁶

Third, that the alleged victim did not consent to the taking and carrying away of the [goods] [wares] [freight] [other thing of value (describe other thing of value)].

Fourth, that at the time of the taking, the defendant intended to deprive the alleged victim of [its] [their] use permanently.⁷

Fifth, that the defendant knew the defendant was not entitled to take the [goods] [wares] [freight] [other thing of value (describe other thing of value)].⁸

And Sixth, that the [goods] [wares] [freight] [other thing of value (describe other thing of value)] had a value exceeding [\$1,500 but no more than \$20,000] [\$20,000 but no more than \$50,000] [\$50,000 but no more than \$100,000] [\$100,000], aggregated over a 90-day period.

N.C.P.I.—Crim. 214.40B

BREAKING OR ENTERING OF A MOTOR VEHICLE AND LARCENY OF GOODS WITH VALUE EXCEEDING [\$1,500 BUT NO MORE THAN \$20,000] [\$20,000 BUT NO MORE THAN \$50,000] [\$50,000 BUT NO MORE THAN \$100,000] [\$100,000]. FELONY.

GENERAL CRIMINAL VOLUME

MAY 2024

N.C. Gen. Stat. § 14-56(a2)(1)-(4)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant took and carried away another person's [goods] [wares] [freight] [other thing of value (describe other thing of value)] without their consent knowing that they were not entitled to take it and intending at that time to deprive that person of [its] [their] use permanently, and that the property had a value exceeding [\$1,500 but no more than \$20,000] [\$20,000 but no more than \$50,000] [\$50,000 but no more than \$100,000] [\$100,000], aggregated over a 90-day period, it would be your duty to return a verdict of guilty of larceny of goods with a value exceeding [\$1,500 but no more than \$20,000] [\$20,000 but no more than \$50,000] [\$50,000 but no more than \$100,000] [\$100,000]. If you do not so find or if you have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty on the larceny count.⁹

1. Railroad cars, aircraft, boats or other watercraft, and trailers as well as motor vehicles are included under this statute. N.C. Gen. Stat. § 14-56.

2. This offense also includes breaking out of any railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind containing goods, wares, freight, or other thing of value after having committed larceny therein. N.C. Gen. Stat. § 14-56.

3. A breaking need not be actual but may be by threat of force, by some trick or fraudulent representation. *State v. Jolly*, 297 N.C. 121, 254 S.E.2d 1 (1979).

4. If a definition of intent is required, see N.C.P.I.—Crim. 120.10.

5. If the property was severed from the possession of the owner and under the control of the defendant for any period of time, even if only for an instant, this would constitute a taking. *S. V. Carswell*, 296 N.C. 101 (1978).

6. In the event that there is some dispute as to asportation, the jury should be told that the slightest movement is sufficient. *S. V. Carswell*, 296 N.C. 101 (1978).

7. In the event of that there is some dispute as to permanent deprivation, the jury should be told that an intent to temporarily deprive will not suffice. *State v. Watts*, 25 N.C. App. 194, 212 S.E.2d 557 (1975); *but cf.* *State v. Smith*, 268 N.C. 167 (1966).

8. In the event that the defendant relies on claim of right, the jury should be told that if the defendant honestly believed that he was entitled to take the property, he cannot be guilty of larceny. *State v. Fisher*, 70 N.C. 78 (1874).

N.C.P.I.—Crim. 214.40B

BREAKING OR ENTERING OF A MOTOR VEHICLE AND LARCENY OF GOODS
WITH VALUE EXCEEDING [\$1,500 BUT NO MORE THAN \$20,000] [\$20,000
BUT NO MORE THAN \$50,000] [\$50,000 BUT NO MORE THAN \$100,000]
[\$100,000]. FELONY.

GENERAL CRIMINAL VOLUME

MAY 2024

N.C. Gen. Stat. § 14-56(a2)(1)-(4)

9. If there is evidence to support the submission of a lesser included offense, this last phrase would be amended as follows "If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of breaking or entering of a motor vehicle and larceny of goods with value exceeding [\$1,500 but no more than \$20,000] [\$20,000 but no more than \$50,000] [\$50,000 but no more than \$100,000] [\$100,000], but would consider whether the defendant is guilty of"

N.C.P.I.—Crim. 214.46

BREAKING OR ENTERING INTO MOTOR VEHICLE [OWNED] [OPERATED] BY [LAW ENFORCEMENT AGENCY] [NORTH CAROLINA NATIONAL GUARD] [BRANCH OF THE ARMED FORCES OF THE UNITED STATES] WITH THE INTENT TO COMMIT A FELONY OR LARCENY THEREIN. FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT MAY 2024

N.C. Gen. Stat. § 14-56(a2)(1)(a), (b), (c)

214.46 BREAKING OR ENTERING INTO A MOTOR VEHICLE [OWNED] [OPERATED] BY [LAW ENFORCEMENT AGENCY] [NORTH CAROLINA NATIONAL GUARD] [BRANCH OF THE ARMED FORCES OF THE UNITED STATES] WITH THE INTENT TO COMMIT A FELONY OR LARCENY THEREIN. FELONY.¹

NOTE WELL: It is not a violation of this statute when a person breaks or enters a motor vehicle, boat, etc., to provide assistance to a person inside needing first aid or emergency health care treatment. See N.C.G.S. § 14-56(b).

NOTE WELL: This instruction would be used where the motor vehicle was owned or operated by any law enforcement agency, the North Carolina National Guard, or any Branch of the Armed Forces of the United States regardless of the value of the goods involved.

NOTE WELL: For breaking or entering into a motor vehicle not owned by any law enforcement agency, the North Carolina National Guard, or any Branch of the Armed Forces of the United States and larceny of goods, see N.C.P.I—Crim 214.40. For breaking or entering into a motor vehicle and larceny of goods with a value exceeding [\$1,500 but no more than \$20,000] [\$20,000 but no more than \$50,000] [\$50,000 but no more than \$100,000] [\$100,000], see N.C.P.I—Crim. 214.40B.

The defendant has been charged with breaking or entering into a motor vehicle [owned] [operated] by [any law enforcement agency] [the North Carolina National Guard] [any Branch of the Armed Forces of the United States] with the intent to commit a felony or larceny therein.²

For you to find the defendant guilty of this offense, the State must prove seven things beyond a reasonable doubt:

First, that there was

N.C.P.I.—Crim. 214.46

BREAKING OR ENTERING INTO MOTOR VEHICLE [OWNED] [OPERATED] BY
[LAW ENFORCEMENT AGENCY] [NORTH CAROLINA NATIONAL GUARD]
[BRANCH OF THE ARMED FORCES OF THE UNITED STATES] WITH THE
INTENT TO COMMIT A FELONY OR LARCENY THEREIN. FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT MAY 2024

N.C. Gen. Stat. § 14-56(a2)(1)(a), (b), (c)

[a breaking³ by the defendant. (*State how breaking allegedly occurred*)
would be a breaking.]

[an entry by the defendant. (*State how entry allegedly occurred*) would
be an entry.]

[either a breaking or an entry by the defendant. (*State how breaking
allegedly occurred*) would be a breaking. (*State how entry allegedly occurred*)
would be an entry.]

Second, that it was a motor vehicle⁴ which was [broken into] [entered]
[broken into or entered].

Third, that the motor vehicle was [owned] [operated] by [any law
enforcement agency] [the North Carolina National Guard] [any branch of the
Armed Forces of the United States].

Fourth, that the defendant [knew] [reasonably should have known] that
the motor vehicle was [owned] [operated] by [any law enforcement agency]
[the North Carolina National Guard] [any branch of the Armed Forces of the
United States].

Fifth, that there [[was] [were]] [goods] [wares] [freight] [other thing of
value (describe other thing of value)] in the motor vehicle.

Sixth, that the owner did not consent to the [breaking] [entering]
[breaking or entering].

And Seventh, that at the time of the [breaking] [entering] [breaking or
entering], the defendant intended⁵ to commit [larceny] [the felony of (name
felony)] therein. ([Define the felony and enumerate its elements using the
Pattern Jury Instruction for that felony]).⁶ [Larceny is the taking and carrying

N.C.P.I.—Crim. 214.46

BREAKING OR ENTERING INTO MOTOR VEHICLE [OWNED] [OPERATED] BY
[LAW ENFORCEMENT AGENCY] [NORTH CAROLINA NATIONAL GUARD]
[BRANCH OF THE ARMED FORCES OF THE UNITED STATES] WITH THE
INTENT TO COMMIT A FELONY OR LARCENY THEREIN. FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT MAY 2024

N.C. Gen. Stat. § 14-56(a2)(1)(a), (b), (c)

away of the personal property of another without that person's consent with the intent to deprive that person of its possession permanently]. (If you find that the defendant was found in the motor vehicle and that the defendant had no lawful purpose for being there, you are permitted but not required to infer from this that the defendant entered with the intent to commit larceny or a felony therein.)

If you find from the evidence beyond a reasonable doubt, that on or about the alleged date, the defendant without the consent of the owner [broke into] [entered] [broke into or entered] a motor vehicle [owned] [operated] by [any law enforcement agency] [the North Carolina National Guard] [any branch of the Armed Forces of the United States] which contained [goods] [wares] [freight] [other thing of value (describe other thing of value)], that defendant [knew] [reasonably should have known] that the motor vehicle was [owned] [operated] by [any law enforcement agency] [the North Carolina National Guard] [any branch of the Armed Forces of the United States], and intended at that time to commit [larceny] [the felony of (*name felony*)] therein, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.⁷

1. Effective December 1, 2021. S.L. 2021-167 amended N.C.G.S. § 14-56 to increase the penalties for breaking or entering into certain law enforcement vehicles.

2. Railroad cars, aircraft, boats or other watercraft, and trailers as well as motor vehicles which are owned or operated by any law enforcement agency, the North Carolina National Guard, or any branch of the Armed Forces of the United States are included under this statute.

3. A breaking need not be actual but may be by threat of force, by some trick or fraudulent representation. *State v. Jolly*, 297 N.C. 121, 254 S.E.2d 1 (1979).

N.C.P.I.—Crim. 214.46

BREAKING OR ENTERING INTO MOTOR VEHICLE [OWNED] [OPERATED] BY
[LAW ENFORCEMENT AGENCY] [NORTH CAROLINA NATIONAL GUARD]
[BRANCH OF THE ARMED FORCES OF THE UNITED STATES] WITH THE
INTENT TO COMMIT A FELONY OR LARCENY THEREIN. FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT MAY 2024

N.C. Gen. Stat. § 14-56(a2)(1)(a), (b), (c)

4. This offense also includes breaking out of any railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind containing goods, wares, freight, or other thing of value after having committed any felony or larceny therein.

5. If a definition of intent is required, see N.C.P.I.—Crim. 120.10.

6. Failure to define the crime may constitute reversible error. *State v. Elliott*, 21 N.C. App. 555 (1974).

7. If there is evidence to support the submission of a lesser included offense, this last phrase would be amended as follows “If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of breaking or entering of a motor vehicle [owned] [operated] by [law enforcement agency] [North Carolina National Guard] [Branch of the Armed Forces of the United States], but would consider whether the defendant is guilty of”

217.25 ATTEMPTED ROBBERY WITH A FIREARM.¹ FELONY.

The defendant has been charged with attempted robbery with a firearm, which is attempting to rob another by endangering or threatening *him* with a firearm.

For you to find the defendant guilty of this offense the State must prove four things beyond a reasonable doubt:

First, that the defendant intended to rob a person, that is to take and carry away personal property from that person or in *his* presence without *his* consent, knowing that *he*, the defendant, was not entitled to take it, intending to deprive that person of its use permanently.²

Second, that the defendant had a firearm in *his* possession.

Third, that defendant [used] [threatened to use] the firearm in such a way as to endanger or threaten the life of [that person] [another person].

And Fourth, that the defendant's [use] [threatened use] of the firearm was calculated and designed to bring about the robbery [but which fell short of the completed offense] [and which in the ordinary and likely course of things the defendant would have completed the robbery had the defendant not been stopped or prevented from completing the defendant's apparent course of action]. (Mere preparation or mere planning is not enough to constitute such an act, but the act need not be the last act required to complete the crime.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to rob a person and that in furtherance of this intent, the defendant possessed a firearm which *he* [used] [threatened to use] in such a manner as to endanger or threaten the life of [that person] [another person] and that the defendant's [use] [threatened

N.C.P.I.—Crim. 217.25
ATTEMPTED ROBBERY WITH A FIREARM. FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT MAY 2024
N.C. Gen. Stat. § 14-87

use] of the firearm was calculated and designed to bring about the robbery [but which fell short of the completed offense] [and which in the ordinary and likely course of things the defendant would have completed the robbery had the defendant not been stopped or prevented from completing the defendant's apparent course of action], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.³

1. If defendant is charged with attempted robbery with a dangerous weapon other than a firearm, integrate the sixth element of N.C.P.I.—Crim. 217.30 into this charge.

2. In the event there is some dispute as to permanent deprivation, the jury should be told that temporary deprivation will not suffice. *But cf. S. v. Smith*, 268 N.C. 167 (1966).

3. If there is to be an instruction on lesser included offenses, the last phrase should be, " . . . you will not return a verdict of guilty of attempted robbery with a firearm." Note that common law robbery is not a lesser included offense but attempted common law robbery would be a lesser included offense. *S. v. Hare*, 243 N.C. 262 (1955). In *S. v. White*, 322 N.C. 506 (1988), the North Carolina Supreme Court, *overruling S. v. Hurst*, 320 N.C. 589 (1987) held that larceny and common law robbery are lesser-included offense of armed robbery. Accordingly, instructions on attempted common law robbery or attempted larceny should be given when raised by the evidence.

N.C.P.I.—Crim. 220.41

MAKING A MATERIALLY [FALSE] [MISLEADING] STATEMENT ABOUT A [SUBSTANCE USE DISORDER TREATMENT SERVICE] [RECOVERY RESIDENCE] IN MARKETING MATERIALS WITH THE INTENT TO DEFRAUD. FELONY.

GENERAL CRIMINAL VOLUME

APRIL 2024

N.C. Gen. Stat. § 90-113.151(c)(1)

220.41 MAKING A MATERIALLY [FALSE] [MISLEADING] STATEMENT ABOUT A [SUBSTANCE USE DISORDER TREATMENT SERVICE] [RECOVERY RESIDENCE] IN MARKETING MATERIALS WITH THE INTENT TO DEFRAUD. FELONY.

The defendant has been charged with making a materially [false] [misleading] statement about a [substance use disorder treatment service] [recovery residence] in marketing materials with the intent to defraud.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that the defendant was a [treatment provider]¹ [treatment facility]² [recovery residence]³ [[third party providing services to any [treatment provider] [treatment facility] [recovery residence]].

Second, that the defendant knowingly⁴ [made a materially [false] [misleading] statement] [provided [false] [misleading] information].

And Third, that the defendant did so with the intent⁵ to defraud any person about the [[nature] [identity] [location]] [[of substance use disorder treatment services] [in a recovery residence] [in advertising materials] [on a call line] [on an internet website] [in any other marketing materials]].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was a [treatment provider] [treatment facility] [recovery residence] [[third party providing services to any [treatment provider] [treatment facility] [recovery residence]] and knowingly [made a materially [false] [misleading] statement] [provided [false] [misleading] information] with the intent to defraud any person about the [[nature] [identity] [location]] [[of substance use disorder treatment services]

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MAKING A MATERIALLY [FALSE] [MISLEADING] STATEMENT ABOUT A [SUBSTANCE USE DISORDER TREATMENT SERVICE] [RECOVERY RESIDENCE] IN MARKETING MATERIALS WITH THE INTENT TO DEFRAUD. FELONY.

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[in a recovery residence] [in advertising materials] [on a call line] [on an internet website] [in any other marketing materials]] (nothing else appearing),⁶ it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. "Treatment provider" means a person or entity that is, or is required to be, licensed, accredited, or certified to provide substance use disorder treatment services. For purposes of this Article, the term includes treatment facilities. N.C. Gen. Stat. § 90-113.150(5).

2. "Treatment facility" means a facility or program that is, or is required to be, licensed, accredited, or certified to provide substance use disorder treatment services. N.C. Gen. Stat. § 90-113.150(4).

3. "Recovery Residence" means "a shared living environment that is, or is intended to be, free from alcohol and illicit drug use and centered on peer support and connection to services that promote sustained recovery from substance use disorders." N.C. Gen. Stat. § 90-113.150(2).

4. A person acts "knowingly" when the person is aware or conscious of what he or she is doing.

5. For a definition of intent see N.C.P.I.—Crim. 120.10.

6. N.C. Gen. Stat. § 90-113.153 provides that this does not apply to "[a] general hospital licensed under Article 5 of Chapter 131E of the General Statutes" or "[a] hospital authority organized under Article 2 of Chapter 131E of the General Statutes." See *State v. Carey*, 273 N.C. App. 593, 849 S.E.2d 111 (2020) (holding that the language "'does not apply' is exculpatory, and is not an underlying element of the offense.>").

N.C.P.I.—Crim. 220.42

MAKING A [FALSE] [MISLEADING] STATEMENT ABOUT THE TREATMENT PROVIDER'S [STATUS] [CREDENTIALS] [RATE OF RECOVERY] WITH THE INTENT TO DEFRAUD. FELONY.

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220.42 MAKING A [FALSE] [MISLEADING] STATEMENT ABOUT THE TREATMENT PROVIDER'S [STATUS] [CREDENTIALS] [RATE OF RECOVERY] WITH THE INTENT TO DEFRAUD. FELONY.

The defendant has been charged with making a [false] [misleading] statement about the treatment provider's [status] [credentials] [rate of recovery] with the intent to defraud.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that the defendant was a [treatment provider]¹ [treatment facility]² [recovery residence]³ [[third party providing services to any [treatment provider] [treatment facility] [recovery residence]].

Second, that the defendant knowingly⁴ made a [false] [misleading] statement.

And Third, that the defendant did so with the intent⁵ to defraud any person about the [treatment provider's status as an [in-network] [out-of-network] provider] [the [credentials] [qualifications] [experiences] of persons providing [treatment] [services]] [the rate of [recovery] [success] in providing services].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was a [treatment provider] [treatment facility] [recovery residence] [[third party providing services to any [treatment provider] [treatment facility] [recovery residence]] and knowingly made a [false] [misleading] statement with the intent to defraud any person about the [treatment provider's status as an [in-network] [out-of-network] provider] [the [credentials] [qualifications] [experiences] of persons providing [treatment] [services]] [the rate of [recovery] [success] in providing services]

N.C.P.I.—Crim. 220.42

MAKING A [FALSE] [MISLEADING] STATEMENT ABOUT THE TREATMENT PROVIDER'S [STATUS] [CREDENTIALS] [RATE OF RECOVERY] WITH THE INTENT TO DEFRAUD. FELONY.

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N.C. Gen. Stat. § 90-113.151(c)(2)

(nothing else appearing),⁶ it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. "Treatment provider" means a person or entity that is, or is required to be, licensed, accredited, or certified to provide substance use disorder treatment services. For purposes of this Article, the term includes treatment facilities. N.C. Gen. Stat. § 90-113.150(5).

2. "Treatment facility" means a facility or program that is, or is required to be, licensed, accredited, or certified to provide substance use disorder treatment services. N.C. Gen. Stat. § 90-113.150(4).

3. "Recovery Residence" means "a shared living environment that is, or is intended to be, free from alcohol and illicit drug use and centered on peer support and connection to services that promote sustained recovery from substance use disorders." N.C. Gen. Stat. § 90-113.150(2).

4. A person acts "knowingly" when the person is aware or conscious of what he or she is doing.

5. For a definition of intent see N.C.P.I.—Crim. 120.10.

6. N.C. Gen. Stat. § 90-113.153 provides that this does not apply to "[a] general hospital licensed under Article 5 of Chapter 131E of the General Statutes" or "[a] hospital authority organized under Article 2 of Chapter 131E of the General Statutes." See *State v. Carey*, 273 N.C. App. 593, 849 S.E.2d 111 (2020) (holding that the language "'does not apply' is exculpatory, and is not an underlying element of the offense.>").

N.C.P.I.—Crim. 220.43

MAKING A MATERIALLY [FALSE] [MISLEADING] STATEMENT THAT A RELATIONSHIP WITH A TREATMENT PROVIDER EXISTS WITH THE INTENT TO DEFRAUD. FELONY.

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N.C. Gen. Stat. § 90-113.151(d)(3)

220.43 MAKING A MATERIALLY [FALSE] [MISLEADING] STATEMENT THAT A RELATIONSHIP WITH A TREATMENT PROVIDER EXISTS WITH THE INTENT TO DEFRAUD. FELONY.

The defendant has been charged with making a materially [false] [misleading] statement that a relationship with a treatment provider exists with the intent to defraud.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant knowingly¹ made a materially [false] [misleading] statement that a relationship with a treatment provider² existed.

And Second, that the defendant did so with the intent³ to defraud another person.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly made a materially [false] [misleading] statement that a relationship with a treatment provider existed with the intent to defraud another person (nothing else appearing)⁴, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

1. A person acts “knowingly” when the person is aware or conscious of what he or she is doing.

2. “Treatment provider” means a person or entity that is, or is required to be, licensed, accredited, or certified to provide substance use disorder treatment services. For purposes of this Article, the term includes treatment facilities. N.C. Gen. Stat. § 90-113.150(5).

3. For a definition of intent see N.C.P.I.—Crim. 120.10.

4. The statute provides an exception for if “the treatment provider has provided express, written consent to indicate such a relationship.” N.C. Gen. Stat. 90-113.151(d)(3). N.C. Gen. Stat. § 90-113.153 also provides that this does not apply to “[a] general hospital licensed under Article 5 of Chapter 131E of the General Statutes” or “[a] hospital authority

N.C.P.I.—Crim. 220.43

MAKING A MATERIALLY [FALSE] [MISLEADING] STATEMENT THAT A
RELATIONSHIP WITH A TREATMENT PROVIDER EXISTS WITH THE INTENT
TO DEFRAUD. FELONY.

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N.C. Gen. Stat. § 90-113.151(d)(3)

organized under Article 2 of Chapter 131E of the General Statutes.” See *State v. Carey*, 273 N.C. App. 593, 849 S.E.2d 111 (2020) (holding that the language “‘does not apply’ is exculpatory, and is not an underlying element of the offense.”).

N.C.P.I.—Crim. 220.44

MAKING A MATERIALLY [FALSE] [MISLEADING] STATEMENT ABOUT
SUBSTANCE USE DISORDER TREATMENT SERVICES WITH THE INTENT TO
DEFRAUD. FELONY.

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N.C. Gen. Stat. § 90-113.151(d)(4)

220.44 MAKING A MATERIALLY [FALSE] [MISLEADING] STATEMENT ABOUT
SUBSTANCE USE DISORDER TREATMENT SERVICES WITH THE INTENT TO
DEFRAUD. FELONY.

The defendant has been charged with making a materially [false] [misleading] statement about substance use disorder treatment services with the intent to defraud.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant knowingly¹ made a materially [false] [misleading] statement about substance use disorder treatment services.

And Second, that the defendant did so with the intent² to defraud another person.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly made a materially [false] [misleading] statement about substance use disorder treatment services with the intent to defraud another person (nothing else appearing),³ it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

1. A person acts “knowingly” when the person is aware or conscious of what he or she is doing.

2. For a definition of intent see N.C.P.I.—Crim. 120.10.

3. N.C. Gen. Stat. § 90-113.153 provides that this does not apply to “[a] general hospital licensed under Article 5 of Chapter 131E of the General Statutes” or “[a] hospital authority organized under Article 2 of Chapter 131E of the General Statutes.” See *State v. Carey*, 273 N.C. App. 593, 849 S.E.2d 111 (2020) (holding that the language “does not apply” is exculpatory, and is not an underlying element of the offense.”).

N.C.P.I.—Crim. 220.45

[PROVIDING] [DIRECTING ANY OTHER PERSON TO PROVIDE] FALSE INFORMATION ABOUT THE IDENTITY OF ANY TREATMENT PROVIDER WITH THE INTENT TO DEFRAUD. FELONY.

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N.C. Gen. Stat. § 90-113.151(d)(1)

220.45 [PROVIDING] [DIRECTING ANY OTHER PERSON TO PROVIDE] FALSE INFORMATION ABOUT THE IDENTITY OF ANY TREATMENT PROVIDER WITH THE INTENT TO DEFRAUD. FELONY.

The defendant has been charged with [providing] [directing] another person to provide false information about the identity of any treatment provider with the intent to defraud.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant knowingly¹ [provided] [[directed] another [person] [entity] to provide]] [false] [misleading] information.

And Second, that the defendant did so with the intent² to defraud another person about the [identity of] [contact information for] any treatment provider.³

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly [provided] [[directed] another [person] [entity] to provide]] [false] [misleading] information with the intent to defraud another person about the [identity of] [contact information for] any treatment provider (nothing else appearing),⁴ it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

1. A person acts “knowingly” when the person is aware or conscious of what he or she is doing.

2. For a definition of intent see N.C.P.I.—Crim. 120.10.

3. “Treatment provider” means a person or entity that is, or is required to be, licensed, accredited, or certified to provide substance use disorder treatment services. For purposes of this Article, the term includes treatment facilities. N.C. Gen. Stat. § 90-113.150(5).

N.C.P.I.—Crim. 220.45

[PROVIDING] [DIRECTING ANY OTHER PERSON TO PROVIDE] FALSE
INFORMATION ABOUT THE IDENTITY OF ANY TREATMENT PROVIDER WITH
THE INTENT TO DEFRAUD. FELONY.

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N.C. Gen. Stat. § 90-113.151(d)(1)

4. N.C. Gen. Stat. § 90-113.153 provides that this does not apply to “[a] general hospital licensed under Article 5 of Chapter 131E of the General Statutes” or “[a] hospital authority organized under Article 2 of Chapter 131E of the General Statutes.” See *State v. Carey*, 273 N.C. App. 593, 849 S.E.2d 111 (2020) (holding that the language “‘does not apply’ is exculpatory, and is not an underlying element of the offense.”).

N.C.P.I.—Crim. 220.46

[OFFERING] [PAYING] ANYTHING OF VALUE TO INDUCE THE REFERRAL OF A PATIENT [TO] [FROM] A [TREATMENT PROVIDER] [LABORATORY]. FELONY.

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N.C. Gen. Stat. § 90-113.152(a)(1)

220.46 [OFFERING] [PAYING] ANYTHING OF VALUE TO INDUCE THE REFERRAL OF A PATIENT [TO] [FROM] A [TREATMENT PROVIDER] [LABORATORY]. FELONY.

The defendant has been charged with [offering] [paying] anything of value to induce the referral of a patient [to] [from] a [treatment provider] [laboratory].¹

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant was a [treatment provider]² [treatment facility]³ [recovery residence]⁴ [third party providing services to any of these persons or entities].

And Second, that the defendant knowingly⁵ [[offered] [paid] anything of value [[directly] [indirectly]] [[in cash] [in kind]]] [engaged in any split-fee arrangement in any form whatsoever] to induce the referral⁶ of a [patient]⁷ [patronage] to or from a [treatment provider] [laboratory].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was a [treatment provider] [treatment facility] [recovery residence] [third party providing services to any of these persons or entities] and knowingly [[offered] [paid] anything of value [[directly] [indirectly]] [[in cash] [in kind]]] [engaged in any split-fee arrangement in any form whatsoever] to induce the referral of a [patient] [patronage] to or from a [treatment provider] [laboratory] (nothing else appearing),⁸ it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

N.C.P.I.—Crim. 220.46

[OFFERING] [PAYING] ANYTHING OF VALUE TO INDUCE THE REFERRAL OF A PATIENT [TO] [FROM] A [TREATMENT PROVIDER] [LABORATORY].
FELONY.

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N.C. Gen. Stat. § 90-113.152(a)(1)

1. The statute also punishes knowingly aiding or abetting any conduct that violates this section.

2. "Treatment provider" means a person or entity that is, or is required to be, licensed, accredited, or certified to provide substance use disorder treatment services. For purposes of this Article, the term includes treatment facilities. N.C. Gen. Stat. § 90-113.150(5).

3. "Treatment facility" means a facility or program that is, or is required to be, licensed, accredited, or certified to provide substance use disorder treatment services. N.C. Gen. Stat. § 90-113.150(4).

4. "Recovery Residence" means "a shared living environment that is, or is intended to be, free from alcohol and illicit drug use and centered on peer support and connection to services that promote sustained recovery from substance use disorders." N.C. Gen. Stat. § 90-113.150(2).

5. A person acts "knowingly" when the person is aware or conscious of what he or she is doing.

6. A person or entity shall be considered to have made a referral if the provider or operator of a recovery residence has informed a patient by any means of the name, address, or other identifying information for a licensed treatment provider or recovery residence. N.C. Gen. Stat. § 90-113.150(3).

7. "Patient" means any individual who will potentially be admitted to or receive services from, or who is admitted to or receiving services from, or has been admitted to or received services from, a treatment provider or recovery residence. N.C. Gen. Stat. § 90-113.150(1).

8. This does not apply to any discount, payment, waiver of payment, or payment practice that is expressly authorized by 42 U.S.C. § 1320a-7b(b)(3) or any regulation adopted under that statute. Additionally, this statute does not apply to a reasonable contingency management technique or other reasonable motivational incentive that is part of the treatment provided by an accredited, licensed, or certified treatment provider. N.C. Gen. Stat. § 90-113.153 also provides that this does not apply to "[a] general hospital licensed under Article 5 of Chapter 131E of the General Statutes" or "[a] hospital authority organized under Article 2 of Chapter 131E of the General Statutes." See *State v. Carey*, 273 N.C. App. 593, 849 S.E.2d 111 (2020) (holding that the language "'does not apply' is exculpatory, and is not an underlying element of the offense.").

N.C.P.I.—Crim. 220.47

[SOLICITING] [RECEIVING] ANYTHING OF VALUE IN RETURN FOR
REFERRING A PATIENT [TO] [FROM] A [TREATMENT PROVIDER]
[LABORATORY]. FELONY.

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220.47 [SOLICITING] [RECEIVING] ANYTHING OF VALUE IN RETURN FOR
REFERRING A PATIENT [TO] [FROM] A [TREATMENT PROVIDER]
[LABORATORY]. FELONY.

The defendant has been charged with [soliciting] [receiving] anything of value in return for referring a patient [to] [from] a [treatment provider] [laboratory].¹

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant was a [treatment provider]² [treatment facility]³ [recovery residence]⁴ [third party providing services to any of these persons or entities].

And Second, that the defendant knowingly⁵ [[solicited] [received] anything of value [[directly] [indirectly]] [[in cash] [in kind]]] [engaged in any split-fee arrangement in any form whatsoever] in return for referring⁶ a [[patient]⁷ [patronage]] [[to] [from]] a [treatment provider] [laboratory].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was a [treatment provider] [treatment facility] [recovery residence] [third party providing services to any of these persons or entities] and knowingly [[solicited] [received] anything of value [[directly] [indirectly]] [[in cash] [in kind]]] [engaged in any split-fee arrangements in any form whatsoever] in return for referring a [[patient] [patronage]] [[to] [from]] a [treatment provider] [laboratory] (nothing else appearing),⁸ it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

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[SOLICITING] [RECEIVING] ANYTHING OF VALUE IN RETURN FOR
REFERRING A PATIENT [TO] [FROM] A [TREATMENT PROVIDER]
[LABORATORY]. FELONY.

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N.C. Gen. Stat. § 90-113.152(a)(2)

1. The statute also punishes knowingly aiding or abetting any conduct that violates this section.

2. "Treatment provider" means a person or entity that is, or is required to be, licensed, accredited, or certified to provide substance use disorder treatment services. For purposes of this Article, the term includes treatment facilities. N.C. Gen. Stat. § 90-113.150(5).

3. "Treatment facility" means a facility or program that is, or is required to be, licensed, accredited, or certified to provide substance use disorder treatment services. N.C. Gen. Stat. § 90-113.150(4).

4. "Recovery Residence" means "a shared living environment that is, or is intended to be, free from alcohol and illicit drug use and centered on peer support and connection to services that promote sustained recovery from substance use disorders." N.C. Gen. Stat. § 90-113.150(2).

5. A person acts "knowingly" when the person is aware or conscious of what he or she is doing.

6. A person or entity shall be considered to have made a referral if the provider or operator of a recovery residence has informed a patient by any means of the name, address, or other identifying information for a licensed treatment provider or recovery residence. N.C. Gen. Stat. § 90-113.150(3).

7. "Patient" means any individual who will potentially be admitted to or receive services from, or who is admitted to or receiving services from, or has been admitted to or received services from, a treatment provider or recovery residence. N.C. Gen. Stat. § 90-113.150(1).

8. This does not apply to any discount, payment, waiver of payment, or payment practice that is expressly authorized by 42 U.S.C. § 1320a-7b(b)(3) or any regulation adopted under that statute. Additionally, this statute does not apply to a reasonable contingency management technique or other reasonable motivational incentive that is part of the treatment provided by an accredited, licensed, or certified treatment provider. N.C. Gen. Stat. § 90-113.153 also provides that this does not apply to "[a] general hospital licensed under Article 5 of Chapter 131E of the General Statutes" or "[a] hospital authority organized under Article 2 of Chapter 131E of the General Statutes." See *State v. Carey*, 273 N.C. App. 593, 849 S.E.2d 111 (2020) (holding that the language "'does not apply' is exculpatory, and is not an underlying element of the offense.>").

N.C.P.I.—Crim. 220.48

[SOLICITING] [RECEIVING] ANYTHING OF VALUE IN RETURN FOR THE [ACCEPTANCE] [ACKNOWLEDGEMENT] OF TREATMENT FROM A [HEALTH CARE PROVIDER] [HEALTH CARE FACILITY]. FELONY.

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N.C. Gen. Stat. § 90-113.152(a)(3)

220.48 [SOLICITING] [RECEIVING] ANYTHING OF VALUE IN RETURN FOR THE [ACCEPTANCE] [ACKNOWLEDGEMENT] OF TREATMENT FROM A [HEALTH CARE PROVIDER] [HEALTH CARE FACILITY]. FELONY.

The defendant has been charged [soliciting] [receiving] anything of value in return for the [acceptance] [acknowledgement] of treatment from a [health care provider] [health care facility].¹

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant was a [treatment provider]² [treatment facility]³ [recovery residence]⁴ [third party providing services to any of these persons or entities].

And Second, that the defendant knowingly⁵ [[solicited] [received] anything of value [[directly] [indirectly] [[in cash] [in kind]]] [engaged in any split-fee arrangements] in return for the [acceptance] [acknowledgement] of treatment from a [health care provider] [health care facility].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was a [treatment provider] [treatment facility] [recovery residence] [third party providing services to any of these persons or entities] and knowingly [[solicited] [received] anything of value [[directly] [indirectly] [[in cash] [in kind]]] [engaged in any split-fee arrangements in any form whatsoever] in return for the [acceptance] [acknowledgement] of treatment from a [health care provider] [health care facility] (nothing else appearing),⁶ it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

N.C.P.I.—Crim. 220.48

[SOLICITING] [RECEIVING] ANYTHING OF VALUE IN RETURN FOR THE [ACCEPTANCE] [ACKNOWLEDGEMENT] OF TREATMENT FROM A [HEALTH CARE PROVIDER] [HEALTH CARE FACILITY]. FELONY.

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N.C. Gen. Stat. § 90-113.152(a)(3)

1. The statute also punishes knowingly aiding or abetting any conduct that violates this section.

2. "Treatment provider" means a person or entity that is, or is required to be, licensed, accredited, or certified to provide substance use disorder treatment services. For purposes of this Article, the term includes treatment facilities. N.C. Gen. Stat. § 90-113.150(5).

3. "Treatment facility" means a facility or program that is, or is required to be, licensed, accredited, or certified to provide substance use disorder treatment services. N.C. Gen. Stat. § 90-113.150(4).

4. "Recovery Residence" means "a shared living environment that is, or is intended to be, free from alcohol and illicit drug use and centered on peer support and connection to services that promote sustained recovery from substance use disorders." N.C. Gen. Stat. § 90-113.150(2).

5. A person acts "knowingly" when the person is aware or conscious of what he or she is doing.

6. This does not apply to any discount, payment, waiver of payment, or payment practice that is expressly authorized by 42 U.S.C. § 1320a-7b(b)(3) or any regulation adopted under that statute. Additionally, this statute does not apply to a reasonable contingency management technique or other reasonable motivational incentive that is part of the treatment provided by an accredited, licensed, or certified treatment provider. N.C. Gen. Stat. § 90-113.153 also provides that this does not apply to "[a] general hospital licensed under Article 5 of Chapter 131E of the General Statutes" or "[a] hospital authority organized under Article 2 of Chapter 131E of the General Statutes." See *State v. Carey*, 273 N.C. App. 593, 849 S.E.2d 111 (2020) (holding that the language "'does not apply' is exculpatory, and is not an underlying element of the offense.").

N.C.P.I.—Crim. 220.49

INCLUDING [FALSE] [MISLEADING] INFORMATION ABOUT THE INTERNET WEBSITE OF ANY TREATMENT PROVIDER WITH THE INTENT TO DEFRAUD. FELONY.

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N.C. Gen. Stat. § 90-113.151(d)(2)

220.49 INCLUDING [FALSE] [MISLEADING] INFORMATION ABOUT THE INTERNET WEBSITE OF ANY TREATMENT PROVIDER WITH THE INTENT TO DEFRAUD. FELONY.

The defendant has been charged with including [false] [misleading] information about the internet website of any treatment provider with the intent to defraud.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant [[included [false] [misleading] information with the intent¹ to defraud another person about the internet website of any treatment provider²]] [[surreptitiously [directed] [redirected] the reader to another internet website]].

And Second, that the defendant did so knowingly.³

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly [[included [false] [misleading] information with the intent to defraud another person about the internet website of any treatment provider]] [[surreptitiously [directed] [redirected] the reader to another internet website]] (nothing else appearing),⁴ it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

1. For a definition of intent see N.C.P.I.—Crim. 120.10.

2. "Treatment provider" means a person or entity that is, or is required to be, licensed, accredited, or certified to provide substance use disorder treatment services. For purposes of this Article, the term includes treatment facilities. N.C. Gen. Stat. § 90-113.150(5).

3. A person acts "knowingly" when the person is aware or conscious of what he or she is doing.

N.C.P.I.—Crim. 220.49

INCLUDING [FALSE] [MISLEADING] INFORMATION ABOUT THE INTERNET WEBSITE OF ANY TREATMENT PROVIDER WITH THE INTENT TO DEFRAUD. FELONY.

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N.C. Gen. Stat. § 90-113.151(d)(2)

4. N.C. Gen. Stat. § 90-113.153 provides that this does not apply to “[a] general hospital licensed under Article 5 of Chapter 131E of the General Statutes” or “[a] hospital authority organized under Article 2 of Chapter 131E of the General Statutes.” See *State v. Carey*, 273 N.C. App. 593, 849 S.E.2d 111 (2020) (holding that the language “‘does not apply’ is exculpatory, and is not an underlying element of the offense.”).

N.C.P.I.—Crim. 222.26

TRESPASS—ENERGY FACILITIES AND CERTAIN OTHER FACILITIES—(BASIC OFFENSE). FELONY.

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N.C. Gen. Stat. § 14-159.12 (a) and (c)

222.26 TRESPASS— ENERGY FACILITIES AND CERTAIN OTHER FACILITIES —(BASIC OFFENSE). FELONY.

The defendant has been charged with the crime of trespass on the property of an [energy facility] [describe other facility].

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that the defendant without authorization [entered into] [remained [in] [on]] [[the building of another] [the lands of the Eastern Band of Cherokee Indians] [the premises of another so [enclosed] [secured] as to demonstrate clearly an intent to keep out intruders] [after having been excluded by a resolution passed by the Eastern Band of Cherokee Indian Tribal Council]];

Second, that the premises were:

- a) [[a facility¹ [used] [available] for use in the [collection] [treatment] [testing] storing] [pumping] [distribution] of water for a public water system];
- b) [a facility [used] [operated] for agricultural² activities];
- c) [an energy facility³];
- d) [a facility owned by [a public utility⁴] [a unit of local government] used for the treatment of wastewater, including [sewage] [industrial waste] [other wastes of a liquid nature]];

And Third, that the defendant actually [entered a building] [climbed over] [went under] [(otherwise) surmounted a [fence] [*describe other barrier*]] to reach the facility].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant without authorization [entered into]

N.C.P.I.—Crim. 222.26

TRESPASS—ENERGY FACILITIES AND CERTAIN OTHER FACILITIES—(BASIC OFFENSE). FELONY.

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N.C. Gen. Stat. § 14-159.12 (a) and (c)

[remained [in] [on]] [[the building of another] [the lands of the Eastern Band of Cherokee Indians] [the premises of another so [enclosed] [secured] as to demonstrate clearly an intent to keep out intruders] [after having been excluded by a resolution passed by the Eastern Band of Cherokee Indian Tribal Council]], that the premises were:

- a) [[a facility [used] [available] for use in the [collection] [treatment] [testing] [storing] [pumping] [distribution] of water for a public water system];
- b) [a facility [used] [operated] for agricultural activities];
- c) [an energy facility],
- d) [a facility owned by [a public utility] [a unit of local government] used for the treatment of wastewater, including [sewage] [industrial waste] [other wastes of a liquid nature]],

it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, then it would be your duty to return a verdict of not guilty.⁵

1. N.C. Gen. Stat. § 14-159.12 (e) states “as used in subsections (c) and (d) of this section, the term ‘facility’ shall mean a building or other infrastructure.”

2. For a definition of agriculture, see N.C. Gen. Stat. § 106-581.1.

3. For a definition of energy facility, see N.C. Gen. Stat. § 14-150.2(a).

4. For a definition of public utility, see N.C. Gen. Stat. § 62-3(23).

5. If there is to be an instruction on lesser included offenses, the last phrase should be: “. . . you will not return a verdict of guilty of trespassing on the property of an electric power supplier, but will consider whether the defendant is guilty of misdemeanor trespass.” See N.C.P.I.—Crim. 214.31 (N.C. Gen. Stat. § 14.159.12 (a)).

222.29 INJURING AN ENERGY FACILITY. FELONY.

The defendant has been charged with injuring an energy facility.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt.

First, that the defendant [[destroyed] [injured] [otherwise damaged]] [attempted to [destroy] [injure] [otherwise damage]] an energy facility¹ (or) [[obstructed] [impeded] [impaired] the [services] [transmissions] of an energy facility] [attempted to [obstruct] [impede] [impair] the [services] [transmissions] of an energy facility];

And Second, that the defendant did so knowingly and willfully. Willfully means intentionally and without justification or excuse.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly and willfully [[destroyed] [injured] [otherwise damaged]] [attempted to [destroy] [injure] [otherwise damage]] an energy facility (or) [[obstructed] [impeded] [impaired] the [services] [transmissions] of an energy facility] [attempted to [obstruct] [impede] [impair] the [services] [transmissions] of an energy facility], it would be your duty to return a verdict of guilty. If you do not so find, or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

1. For a definition of energy facility, see N.C. Gen. Stat. § 14-150.2(a).

222.29A INJURING AN ENERGY FACILITY—CAUSING DEATH. FELONY.

The defendant has been charged with injuring an energy facility resulting in the death of another person.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt.

First, that the defendant [[destroyed] [injured] [otherwise damaged]] [attempted to [destroy] [injure] [otherwise damage]] an energy facility¹ (or) [[obstructed] [impeded] [impaired] the [services] [transmissions] of an energy facility] [attempted to [obstruct] [impede] [impair] the [services] [transmissions] of an energy facility];

Second, that the defendant did so knowingly and willfully. Willfully means intentionally and without justification or excuse;

And Third, that the injury of the energy facility resulted in the death of another person.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly and willfully [[destroyed] [injured] [otherwise damaged]] [attempted to [destroy] [injure] [otherwise damage]] an energy facility (or) [[obstructed] [impeded] [impaired] the [services] [transmissions] of an energy facility] [attempted to [obstruct] [impede] [impair] the [services] [transmissions] of an energy facility] and that the injury of the energy facility resulted in the death of another person, it would be your duty to return a verdict of guilty. If you do not so find, or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. For a definition of energy facility, see N.C. Gen. Stat. § 14-150.2(a).

N.C.P.I.—Crim. 222.60
INJURING TELECOMMUNICATION WIRES. FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT DECEMBER 2023
N.C. Gen. Stat. § 14-154

222.60 INJURING TELECOMMUNICATION WIRES. FELONY.

The defendant has been charged with injuring wires and other fixtures of telephone, broadband, broadcast, or cable telecommunications companies.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant acted willfully.

And Second, that the defendant [injured] [destroyed] [pulled down] a [[telephone] [broadband] [broadcast] [cable telecommunications [pedestal] [pole]] [[apparatus] [equipment] [fixture] used in the transmission of [telephone] [broadband] [broadcast] [cable telecommunications]] [[apparatus] [equipment] [fixture] related to [broadcast] [wireless communications] regulated by the Federal Communications Commission].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant willfully [injured] [destroyed] [pulled down] a [[telephone] [broadband] [broadcast] [cable telecommunications [pedestal] [pole]] [[apparatus] [equipment] [fixture] used in the transmission of [telephone] [broadband] [broadcast] [cable telecommunications]] [[apparatus] [equipment] [fixture] related to [broadcast] [wireless communications] regulated by the Federal Communications Commission], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

N.C.P.I.—Crim. 228.30

PRESENTING A FALSE STATEMENT TO PROCURE BENEFIT OF INSURANCE POLICY—CLAIM OF \$100,000 OR MORE. FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT FEBRUARY 2024

N.C. Gen. Stat. § 58-2-161(b)(1)

228.30 PRESENTING A FALSE STATEMENT TO PROCURE BENEFIT OF INSURANCE POLICY—CLAIM OF \$100,000 OR MORE. FELONY.

NOTE WELL: Use this instruction when the defendant presents a false statement and the insurer is the one defrauded.

NOTE WELL: For situations involving an alleged fraudulent denial of insurance benefits use N.C.P.I.—Crim. 228.30A.

The defendant has been charged with presenting a false statement under an insurance policy with the intent to defraud the insurance company with a claim of \$100,000 or more.

For you to find the defendant guilty of this offense the State must prove six things beyond a reasonable doubt:

First, that an insurance policy existed between (*name insured*) and (*name insurer*).

Second, that the defendant [presented] [caused to be presented] a [written] [oral] statement¹ [as part of] [in support of] a claim for [payment] [a benefit] pursuant to the insurance policy.

Third, that the statement contained false or misleading information concerning a fact or a matter material to the claim.

Fourth, that the defendant knew the statement contained false or misleading information concerning a fact or matter material to the claim.

Fifth, that the defendant acted with the intent² to [injure] [defraud] [deceive] (*name insurer*).

And Sixth, the amount of the claim for payment or other benefit was \$100,000 or more.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date an insurance policy existed between (*name insured*)

N.C.P.I.—Crim. 228.30

PRESENTING A FALSE STATEMENT TO PROCURE BENEFIT OF INSURANCE POLICY—CLAIM OF \$100,000 OR MORE. FELONY.

GENERAL CRIMINAL VOLUME

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N.C. Gen. Stat. § 58-2-161(b)(1)

and (*name insurer*), and that the defendant [presented] [caused to be presented] a [written] [oral] statement [as part of] [in support of] a claim for [payment] [a benefit] pursuant to the insurance policy, the statement contained false or misleading information concerning a fact or a matter material to the claim, the defendant knew the statement contained false or misleading information concerning a fact or matter material to the claim, the defendant acted with the intent to [injure] [defraud] [deceive] the (*name insurer*), and the amount of the claim for payment or other benefit was \$100,000 or more, it would be your duty to return a verdict of guilty of presenting a false statement under an insurance policy with the intent to defraud the insurance company with a claim of \$100,000 or more. However, if you do not so find or have a reasonable doubt as to one or more of these things, you will not return a verdict of guilty of presenting a false statement under an insurance policy with the intent to defraud the insurance company with a claim of \$100,000 or more, but must determine whether the defendant is guilty of presenting a false statement under an insurance policy with the intent to defraud the insurance company.

Presenting a false statement under an insurance policy with the intent to defraud the insurance company differs from presenting a false statement under an insurance policy with the intent to defraud the insurance company with a claim of \$100,000 or more in that the amount of the claim for payment or other benefit need not be \$100,000 or more.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date an insurance policy existed between (*name insured*) and (*name insurer*), and that the defendant [presented] [caused to be presented] a [written] [oral] statement [as part of] [in support of] a claim for [payment] [a benefit] pursuant to the insurance policy, the statement

N.C.P.I.—Crim. 228.30

PRESENTING A FALSE STATEMENT TO PROCURE BENEFIT OF INSURANCE
POLICY—CLAIM OF \$100,000 OR MORE. FELONY.

GENERAL CRIMINAL VOLUME

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N.C. Gen. Stat. § 58-2-161(b)(1)

contained false or misleading information concerning a fact or a matter material to the claim, the defendant knew the statement contained false or misleading information concerning a fact or matter material to the claim, and the defendant acted with the intent to [injure] [defraud] [deceive] the (*name insurer*), it would be your duty to return a verdict of guilty of presenting a false statement under an insurance policy with the intent to defraud the insurance company. However, if you do not so find, or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. For a definition of "statement" see N.C. Gen. Stat. § 58-2-161(b)(2).

2. For the definition of "intent" see N.C.P.I.—Crim. 120.10.

N.C.P.I.—Crim. 228.30.1
PRESENTING A FALSE STATEMENT TO PROCURE BENEFIT OF INSURANCE
POLICY—CLAIM OF LESS THAN \$100,000. FELONY.
GENERAL CRIMINAL VOLUME
FEBRUARY 2024
N.C. Gen. Stat. § 58-2-161(b)(1)

228.30.1 PRESENTING A FALSE STATEMENT TO PROCURE BENEFIT OF
INSURANCE POLICY—CLAIM OF LESS THAN \$100,000. FELONY.

*NOTE WELL: Use this instruction when the defendant presents a
false statement and the insurer is the one defrauded.*

*NOTE WELL: For situations involving an alleged fraudulent denial
of insurance benefits use N.C.P.I.—Crim. 228.30A.1.*

The defendant has been charged with presenting a false statement
under an insurance policy with the intent to defraud the insurance company.

For you to find the defendant guilty of this offense the State must prove
five things beyond a reasonable doubt:

First, that an insurance policy existed between (*name insured*) and
(*name insurer*).

Second, that the defendant [presented] [caused to be presented] a
[written] [oral] statement¹ [as part of] [in support of] a claim for [payment]
[a benefit] pursuant to the insurance policy.

Third, that the statement contained false or misleading information
concerning a fact or a matter material to the claim.

Fourth, that the defendant knew the statement contained false or
misleading information concerning a fact or matter material to the claim.

Fifth, that the defendant acted with the intent² to [injure] [defraud]
[deceive] (*name insurer*).

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date an insurance policy existed between (*name insured*)
and (*name insurer*), and that the defendant [presented] [caused to be
presented] a [written] [oral] statement [as part of] [in support of] a claim for
[payment] [a benefit] pursuant to the insurance policy, the statement

N.C.P.I.—Crim. 228.30.1

PRESENTING A FALSE STATEMENT TO PROCURE BENEFIT OF INSURANCE
POLICY—CLAIM OF LESS THAN \$100,000. FELONY.

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contained false or misleading information concerning a fact or a matter material to the claim, the defendant knew the statement contained false or misleading information concerning a fact or matter material to the claim, and the defendant acted with the intent to [injure] [defraud] [deceive] the (*name insurer*), it would be your duty to return a verdict of guilty of presenting a false statement under an insurance policy with the intent to defraud the insurance company. However, if you do not so find, or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. For a definition of "statement" see N.C. Gen. Stat. § 58-2-161(b)(2).

2. For the definition of "intent" see N.C.P.I.—Crim. 120.10.

N.C.P.I.—Crim. 228.30A
PRESENTING A FALSE STATEMENT TO DENY BENEFIT OF INSURANCE
POLICY—CLAIM OF \$100,000 OR MORE. FELONY.
GENERAL CRIMINAL VOLUME
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N.C. Gen. Stat. § 58-2-161(b)(1)

228.30A PRESENTING A FALSE STATEMENT TO DENY BENEFIT OF
INSURANCE POLICY—CLAIM OF \$100,000 OR MORE. FELONY.

NOTE WELL: Use this instruction when the defendant presents a false statement and the insurance claimant is the one injured.

NOTE WELL: For situations involving an alleged fraudulent procurement of insurance benefits use N.C.P.I.—Crim. 228.30.

The defendant has been charged with presenting a false statement under an insurance policy with the intent to defraud an insurance claimant with a claim of \$100,000 or more.

For you to find the defendant guilty of this offense, the State must prove six things beyond a reasonable doubt:

First, that an insurance [policy] [coverage] existed between (*name [insured] [insurance claimant]*) and (*name insurer*).

Second, that the defendant [presented] [caused to be presented] a [written] [oral] statement¹ in opposition to a claim for [payment] [a benefit] pursuant to the insurance [policy] [coverage].

Third, that the statement contained false or misleading information concerning a fact or a matter material to the claim.

Fourth, that the defendant knew the statement contained false or misleading information concerning a fact or matter material to the claim.

Fifth, that the defendant acted with the intent² to [injure] [defraud] [deceive] (*name insurance claimant*).

And Sixth, the amount of the claim for payment or other benefit was \$100,000 or more.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date an insurance [policy] [coverage] existed between

N.C.P.I.—Crim. 228.30A
PRESENTING A FALSE STATEMENT TO DENY BENEFIT OF INSURANCE
POLICY—CLAIM OF \$100,000 OR MORE. FELONY.
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(*name [insured] [insurance claimant]*) and (*name insurer*), that the defendant [presented] [caused to be presented] a [written] [oral] statement in opposition to a claim for [payment] [a benefit] pursuant to the insurance [policy] [coverage], the statement contained false or misleading information concerning a fact or a matter material to the claim, the defendant knew the statement contained false or misleading information concerning a fact or matter material to the claim, that the defendant acted with the intent to [injure] [defraud] [deceive] (*name insurance claimant*), and the amount of the claim for payment or other benefit was \$100,000 or more, it would be your duty to return a verdict of guilty of presenting a false statement to deny benefit of insurance policy with a claim of \$100,000 or more. However, if you do not so find, or have a reasonable doubt as to one or more of these things, you will not return a verdict of guilty of presenting a false statement to deny benefit of insurance policy with a claim of \$100,000 or more, but must determine whether the defendant is guilty of presenting a false statement to deny benefit of insurance policy.

Presenting a false statement to deny benefit of insurance policy differs from of presenting a false statement to deny benefit of insurance policy with a claim of \$100,000 or more in that the amount of the claim for payment or other benefit need not be \$100,000 or more.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date an insurance [policy] [coverage] existed between (*name [insured] [insurance claimant]*) and (*name insurer*), and that the defendant [presented] [caused to be presented] a [written] [oral] statement in opposition to a claim for [payment] [a benefit] pursuant to the insurance [policy] [coverage], the statement contained false or misleading information concerning a fact or a matter material to the claim, the defendant knew the

N.C.P.I.—Crim. 228.30A
PRESENTING A FALSE STATEMENT TO DENY BENEFIT OF INSURANCE
POLICY—CLAIM OF \$100,000 OR MORE. FELONY.
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statement contained false or misleading information concerning a fact or matter material to the claim, that the defendant acted with the intent to [injure] [defraud] [deceive] (*name insurance claimant*), it would be your duty to return a verdict of guilty of presenting a false statement to deny benefit of insurance policy. However, if you do not so find, or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

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1. For a definition of "statement" see N.C. Gen. Stat. § 58-2-161(b)(2).
 2. For a definition of "intent" see N.C.P.I.—Crim 120.10.

N.C.P.I.—Crim. 228.30A.1
PRESENTING A FALSE STATEMENT TO DENY BENEFIT OF INSURANCE
POLICY—CLAIM LESS THAN \$100,000. FELONY.
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N.C. Gen. Stat. § 58-2-161(b)(1)

228.30A.1 PRESENTING A FALSE STATEMENT TO DENY BENEFIT OF
INSURANCE POLICY—CLAIM LESS THAN \$100,000. FELONY.

*NOTE WELL: Use this instruction when the defendant presents a
false statement and the insurance claimant is the one injured.*

*NOTE WELL: For situations involving an alleged fraudulent
procurement of insurance benefits use N.C.P.I.—Crim. 228.30.1.*

The defendant has been charged with presenting a false statement
under an insurance policy with the intent to defraud an insurance claimant.

For you to find the defendant guilty of this offense, the State must prove
five things beyond a reasonable doubt:

First, that an insurance [policy] [coverage] existed between (*name
[insured] [insurance claimant]*) and (*name insurer*).

Second, that the defendant [presented] [caused to be presented] a
[written] [oral] statement¹ in opposition to a claim for [payment] [a benefit]
pursuant to the insurance [policy] [coverage].

Third, that the statement contained false or misleading information
concerning a fact or a matter material to the claim.

Fourth, that the defendant knew the statement contained false or
misleading information concerning a fact or matter material to the claim.

And Fifth, that the defendant acted with the intent² to [injure] [defraud]
[deceive] (*name insurance claimant*).

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date an insurance [policy] [coverage] existed between
(*name [insured] [insurance claimant]*) and (*name insurer*), and that the
defendant [presented] [caused to be presented] a [written] [oral] statement
in opposition to a claim for [payment] [a benefit] pursuant to the insurance

N.C.P.I.—Crim. 228.30A.1

PRESENTING A FALSE STATEMENT TO DENY BENEFIT OF INSURANCE
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[policy] [coverage], the statement contained false or misleading information concerning a fact or a matter material to the claim, the defendant knew the statement contained false or misleading information concerning a fact or matter material to the claim, and that the defendant acted with the intent to [injure] [defraud] [deceive] (*name insurance claimant*), it would be your duty to return a verdict of guilty of presenting a false statement to deny benefit of insurance policy. However, if you do not so find, or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. For a definition of “statement” see N.C. Gen. Stat. § 58-2-161(b)(2).

2. For a definition of “intent” see N.C.P.I.—Crim 120.10.

N.C.P.I.—Crim. 228.35

[ASSISTING] [ABETTING] [SOLICITING] [CONSPIRING WITH] ANOTHER PERSON TO [MAKE] [PREPARE] A FALSE STATEMENT TO PROCURE BENEFIT OF INSURANCE POLICY—CLAIM OF \$100,000 OR MORE. FELONY.

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N.C. Gen. Stat. § 58-2-161(b)(2)

228.35 [ASSISTING] [ABETTING] [SOLICITING] [CONSPIRING WITH] ANOTHER TO [MAKE] [PREPARE] A FALSE STATEMENT TO PROCURE BENEFIT OF INSURANCE POLICY—CLAIM OF \$100,000 OR MORE. FELONY.

NOTE WELL: Use this instruction when the defendant is not the presenter of the false statement and the Insurer is the one defrauded.

NOTE WELL: For situations involving an alleged fraudulent denial of insurance benefits use N.C.P.I.—Crim. 228.35A.

The defendant has been charged with [assisting] [abetting] [soliciting] [conspiring with]¹ another person to [prepare] [make] a false [written] [oral] statement² that is intended to be presented to an insurer [in connection with] [in support of] a claim for [payment] [a benefit] pursuant to the policy of \$100,000 or more.

For you to find the defendant guilty of this offense, the State must prove seven things beyond a reasonable doubt:

First, that an insurance [policy] [coverage] existed between (*name insured*) (and) (*name insurer*).

Second, that the defendant [assisted] [abetted] [solicited] [conspired with] another person to [prepare] [make] a [written] [oral] statement.

Third, that this statement was intended to be presented to (*name insurer*) [in connection with] [in support of] a claim for [payment] [a benefit] pursuant to the insurance policy.

Fourth, that this statement contained false or misleading information concerning a fact or a matter material to the claim.

Fifth, that the defendant knew that this statement contained false or misleading information concerning a fact or matter material to the claim.

N.C.P.I.—Crim. 228.35

[ASSISTING] [ABETTING] [SOLICITING] [CONSPIRING WITH] ANOTHER PERSON TO [MAKE] [PREPARE] A FALSE STATEMENT TO PROCURE BENEFIT OF INSURANCE POLICY—CLAIM OF \$100,000 OR MORE. FELONY.

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Sixth, that the defendant acted with the intent³ to [injure] [defraud] [deceive] (*name insurer*).

And Seventh, the amount of the claim for payment or other benefit was \$100,000 or more.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date an insurance policy existed between (*name insured*) (and) (*name insurer*), and that the defendant [assisted] [abetted] [solicited] [conspired with] another person to [prepare] [make] a [written] [oral] statement, this statement was intended to be presented to (*name insurer*) [in connection with] [in support of] a claim for [payment] [a benefit] pursuant to the insurance policy, this statement contained false or misleading information concerning a fact or a matter material to the claim, the defendant acted with the intent to [injure] [defraud] [deceive] (*name insurer*), and the amount of the claim for payment or other benefit was \$100,000 or more, it would be your duty to return a verdict of guilty of [assisting] [abetting] [soliciting] [conspiring with] another person to [make] [prepare] a false statement to procure benefit of an insurance policy with a claim of \$100,000 or more. However, if you do not so find, or have a reasonable doubt as to one or more of these things, you will not return a verdict of guilty of [assisting] [abetting] [soliciting] [conspiring with] another person to [make] [prepare] a false statement to procure benefit of insurance policy with a claim of \$100,000 or more, but must determine whether the defendant is guilty of [assisting] [abetting] [soliciting] [conspiring with] another person to [make] [prepare] a false statement to procure benefit of an insurance policy.

[Assisting] [abetting] [soliciting] [conspiring with] another person to [make] [prepare] a false statement to procure benefit of an insurance policy

N.C.P.I.—Crim. 228.35

[ASSISTING] [ABETTING] [SOLICITING] [CONSPIRING WITH] ANOTHER PERSON TO [MAKE] [PREPARE] A FALSE STATEMENT TO PROCURE BENEFIT OF INSURANCE POLICY—CLAIM OF \$100,000 OR MORE. FELONY.

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differs from [assisting] [abetting] [soliciting] [conspiring with] another person to [make] [prepare] a false statement to procure benefit of an insurance policy with a claim of \$100,000 or more in that the amount of the claim for payment or other benefit need not be \$100,000 or more.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date an insurance policy existed between (*name insured*) (and) (*name insurer*), and that the defendant [assisted] [abetted] [solicited] [conspired with] another person to [prepare] [make] a [written] [oral] statement, this statement was intended to be presented to (*name insurer*) [in connection with] [in support of] a claim for [payment] [a benefit] pursuant to the insurance policy, this statement contained false or misleading information concerning a fact or a matter material to the claim, and the defendant acted with the intent to [injure] [defraud] [deceive] (*name insurer*), it would be your duty to return a verdict of guilty of [assisting] [abetting] [soliciting] [conspiring with] another person to [make] [prepare] a false statement to procure benefit of an insurance policy. However, if you do not so find, or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. For further definitions of "aiding and abetting" see N.C.P.I.—Crim. 202.20, of "solicitation" see N.C.P.I.—Crim. 201.20, of "conspiracy" see N.C.P.I.—Crim. 202.80.

2. For a definition of "statement" see N.C. Gen. Stat. § 58-2-161(b)(2).

3. For a definition of "intent" see N.C.P.I.—Crim. 120.10.

N.C.P.I.—Crim. 228.35.1

[ASSISTING] [ABETTING] [SOLICITING] [CONSPIRING WITH] ANOTHER PERSON TO [MAKE] [PREPARE] A FALSE STATEMENT TO PROCURE BENEFIT OF INSURANCE POLICY—CLAIM LESS THAN \$100,000. FELONY.

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N.C. Gen. Stat. § 58-2-161(b)(2)

228.35.1 [ASSISTING] [ABETTING] [SOLICITING] [CONSPIRING WITH] ANOTHER TO [MAKE] [PREPARE] A FALSE STATEMENT TO PROCURE BENEFIT OF INSURANCE POLICY—CLAIM LESS THAN \$100,000. FELONY.

NOTE WELL: Use this instruction when the defendant is not the presenter of the false statement and the Insurer is the one defrauded.

NOTE WELL: For situations involving an alleged fraudulent denial of insurance benefits use N.C.P.I.—Crim. 228.35A.1.

The defendant has been charged with [assisting] [abetting] [soliciting] [conspiring with]¹ another person to [prepare] [make] a false [written] [oral] statement² that is intended to be presented to an insurer [in connection with] [in support of] a claim for [payment] [a benefit] pursuant to the policy.

For you to find the defendant guilty of this offense, the State must prove six things beyond a reasonable doubt:

First, that an insurance [policy] [coverage] existed between (*name insured*) (and) (*name insurer*).

Second, that the defendant [assisted] [abetted] [solicited] [conspired with] another person to [prepare] [make] a [written] [oral] statement.

Third, that this statement was intended to be presented to (*name insurer*) [in connection with] [in support of] a claim for [payment] [a benefit] pursuant to the insurance policy.

Fourth, that this statement contained false or misleading information concerning a fact or a matter material to the claim.

Fifth, that the defendant knew that this statement contained false or misleading information concerning a fact or matter material to the claim.

N.C.P.I.—Crim. 228.35.1

[ASSISTING] [ABETTING] [SOLICITING] [CONSPIRING WITH] ANOTHER PERSON TO [MAKE] [PREPARE] A FALSE STATEMENT TO PROCURE BENEFIT OF INSURANCE POLICY—CLAIM LESS THAN \$100,000. FELONY.

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N.C. Gen. Stat. § 58-2-161(b)(2)

And Sixth, that the defendant acted with the intent³ to [injure] [defraud] [deceive] (*name insurer*).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date an insurance policy existed between (*name insured*) (and) (*name insurer*), and that the defendant [assisted] [abetted] [solicited] [conspired with] another person to [prepare] [make] a [written] [oral] statement, this statement was intended to be presented to (*name insurer*) [in connection with] [in support of] a claim for [payment] [a benefit] pursuant to the insurance policy, this statement contained false or misleading information concerning a fact or a matter material to the claim, and the defendant acted with the intent to [injure] [defraud] [deceive] (*name insurer*), it would be your duty to return a verdict of guilty [assisting] [abetting] [soliciting] [conspiring with] another person to [make] [prepare] a false statement to procure benefit of an insurance policy. However, if you do not so find, or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. For further definitions of "aiding and abetting" see N.C.P.I.—Crim. 202.20, of "solicitation" see N.C.P.I.—Crim. 201.20, of "conspiracy" see N.C.P.I.—Crim. 202.80.

2. For a definition of "statement" see N.C. Gen. Stat. § 58-2-161(b)(2).

3. For a definition of "intent" see N.C.P.I.—Crim. 120.10.

N.C.P.I.—Crim. 228.35A

[ASSISTING] [ABETTING] [SOLICITING] [CONSPIRING WITH] ANOTHER PERSON TO [MAKE] [PREPARE] A FALSE STATEMENT TO DENY BENEFIT OF INSURANCE POLICY—CLAIM OF \$100,000 OR MORE. FELONY.

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REPLACEMENT MARCH 2024

N.C. Gen. Stat. § 58-2-161(b)(2)

228.35A [ASSISTING] [ABETTING] [SOLICITING] [CONSPIRING WITH] ANOTHER TO [MAKE] [PREPARE] A FALSE STATEMENT TO DENY BENEFIT OF INSURANCE POLICY—CLAIM OF \$100,000 OR MORE. FELONY.

NOTE WELL: Use this instruction when the defendant is not the presenter of the false statement and the insurance claimant is the one injured.

NOTE WELL: For situations involving an alleged fraudulent procurement of insurance benefits use N.C.P.I.—Crim. 228.35.

The defendant has been charged with [assisting] [abetting] [soliciting] [conspiring with]¹ another person to [prepare] [make] a false [written] [oral] statement² that is intended to be presented to an [insurer] [insurance claimant] [in connection with] [in opposition to] a claim for [payment] [a benefit] pursuant to the policy.

For you to find the defendant guilty of this offense, the State must prove seven things beyond a reasonable doubt:

First, that an insurance [policy] [coverage] existed between (*name [insured] [insurance claimant]*) (and) (*name insurer*).

Second, that the defendant [assisted] [abetted] [solicited] [conspired with] another person to [prepare] [make] a [written] [oral] statement.

Third, that this statement was intended to be presented to (*name [insurer] [insurance claimant]*) [in connection with] [in opposition to] a claim for [payment] [a benefit] pursuant to the policy.

Fourth, that this statement contained false or misleading information concerning a fact or a matter material to the claim.

Fifth, that the defendant knew that this statement contained false or misleading information concerning a fact or matter material to the claim.

N.C.P.I.—Crim. 228.35A

[ASSISTING] [ABETTING] [SOLICITING] [CONSPIRING WITH] ANOTHER PERSON TO [MAKE] [PREPARE] A FALSE STATEMENT TO DENY BENEFIT OF INSURANCE POLICY—CLAIM OF \$100,000 OR MORE. FELONY.

GENERAL CRIMINAL VOLUME

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N.C. Gen. Stat. § 58-2-161(b)(2)

Sixth, that the defendant acted with the intent³ to [injure] [defraud] [deceive] (*name insurance claimant*).

And Seventh, the amount of the claim for payment or other benefit was \$100,000 or more.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date an insurance [policy] [coverage] existed between (*name [insured] [insurance claimant]*) and (*name insurer*), and that the defendant [assisted] [abetted] [solicited] [conspired with] another person to [prepare] [make] a [written] [oral] statement, this statement was intended to be presented to (*name [insurer] [insurance claimant]*) [in connection with] [in opposition to] a claim for [payment] [a benefit] pursuant to the policy, this statement contained false or misleading information concerning a fact or a matter material to the claim, that the defendant acted with the intent to [injure] [defraud] [deceive] (*name insurance claimant*), and the amount of the claim for payment or other benefit was \$100,000 or more, it would be your duty to return a verdict of guilty of [assisting] [abetting] [soliciting] [conspiring with] another person to [make] [prepare] a false statement to deny benefit of an insurance policy with a claim of \$100,000 or more. However, if you do not so find, or have a reasonable doubt as to one or more of these things, you will not return a verdict of guilty of [assisting] [abetting] [soliciting] [conspiring with] another person to [make] [prepare] a false statement to deny benefit of insurance policy with a claim of \$100,000 or more, but must determine whether the defendant is guilty of [assisting] [abetting] [soliciting] [conspiring with] another person to [make] [prepare] a false statement to deny benefit of an insurance policy.

N.C.P.I.—Crim. 228.35A

[ASSISTING] [ABETTING] [SOLICITING] [CONSPIRING WITH] ANOTHER PERSON TO [MAKE] [PREPARE] A FALSE STATEMENT TO DENY BENEFIT OF INSURANCE POLICY—CLAIM OF \$100,000 OR MORE. FELONY.

GENERAL CRIMINAL VOLUME

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N.C. Gen. Stat. § 58-2-161(b)(2)

[Assisting] [abetting] [soliciting] [conspiring with] another person to [make] [prepare] a false statement to deny benefit of an insurance policy differs from [assisting] [abetting] [soliciting] [conspiring with] another person to [make] [prepare] a false statement to deny benefit of an insurance policy with a claim of \$100,000 or more in that the amount of the claim for payment or other benefit need not be \$100,000 or more.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date an insurance [policy] [coverage] existed between (*name [insured] [insurance claimant]*) and (*name insurer*), and that the defendant [assisted] [abetted] [solicited] [conspired with] another person to [prepare] [make] a [written] [oral] statement, this statement was intended to be presented to (*name [insurer] [insurance claimant]*) [in connection with] [in opposition to] a claim for [payment] [a benefit] pursuant to the policy, this statement contained false or misleading information concerning a fact or a matter material to the claim, and that the defendant acted with the intent to [injure] [defraud] [deceive] (*name insurance claimant*), it would be your duty to return a verdict of guilty of [assisting] [abetting] [soliciting] [conspiring with] another person to [make] [prepare] a false statement to deny benefit of an insurance policy. However, if you do not so find, or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. For further definitions of "aiding and abetting" see N.C.P.I.—Crim. 202.20, of "solicitation" see N.C.P.I.—Crim. 201.20, of "conspiracy" see N.C.P.I.—Crim. 202.80.

2. For a definition of "statement" see N.C. Gen. Stat. § 58-2-161(b)(2).

3. For a definition of "intent" see N.C.P.I.—Crim. 120.10.

N.C.P.I.—Crim. 228.35A.1

[ASSISTING] [ABETTING] [SOLICITING] [CONSPIRING WITH] ANOTHER PERSON TO [MAKE] [PREPARE] A FALSE STATEMENT TO DENY BENEFIT OF INSURANCE POLICY—CLAIM LESS THAN \$100,000. FELONY.

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N.C. Gen. Stat. § 58-2-161(b)(2)

228.35A.1 [ASSISTING] [ABETTING] [SOLICITING] [CONSPIRING WITH] ANOTHER TO [MAKE] [PREPARE] A FALSE STATEMENT TO DENY BENEFIT OF INSURANCE POLICY—CLAIM LESS THAN \$100,000. FELONY.

NOTE WELL: Use this instruction when the defendant is not the presenter of the false statement and the insurance claimant is the one injured.

NOTE WELL: For situations involving an alleged fraudulent procurement of insurance benefits use N.C.P.I.—Crim. 228.35.1.

The defendant has been charged with [assisting] [abetting] [soliciting] [conspiring with]¹ another person to [prepare] [make] a false [written] [oral] statement² that is intended to be presented to an [insurer] [insurance claimant] [in connection with] [in opposition to] a claim for [payment] [a benefit] pursuant to the policy.

For you to find the defendant guilty of this offense, the State must prove six things beyond a reasonable doubt:

First, that an insurance [policy] [coverage] existed between (*name [insured] [insurance claimant]*) (and) (*name insurer*).

Second, that the defendant [assisted] [abetted] [solicited] [conspired with] another person to [prepare] [make] a [written] [oral] statement.

Third, that this statement was intended to be presented to (*name [insurer] [insurance claimant]*) [in connection with] [in opposition to] a claim for [payment] [a benefit] pursuant to the policy.

Fourth, that this statement contained false or misleading information concerning a fact or a matter material to the claim.

Fifth, that the defendant knew that this statement contained false or misleading information concerning a fact or matter material to the claim.

N.C.P.I.—Crim. 228.35A.1

[ASSISTING] [ABETTING] [SOLICITING] [CONSPIRING WITH] ANOTHER PERSON TO [MAKE] [PREPARE] A FALSE STATEMENT TO DENY BENEFIT OF INSURANCE POLICY—CLAIM LESS THAN \$100,000. FELONY.

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N.C. Gen. Stat. § 58-2-161(b)(2)

And Sixth, that the defendant acted with the intent³ to [injure] [defraud] [deceive] (*name insurance claimant*).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date an insurance [policy] [coverage] existed between (*name [insured] [insurance claimant]*) (and) (*name insurer*), and that the defendant [assisted] [abetted] [solicited] [conspired with] another person to [prepare] [make] a [written] [oral] statement, this statement was intended to be presented to (*name [insurer] [insurance claimant]*) [in connection with] [in opposition to] a claim for [payment] [a benefit] pursuant to the policy, this statement contained false or misleading information concerning a fact or a matter material to the claim, the defendant knew that this statement contained false or misleading information concerning a fact or matter material to the claim, and the defendant acted with the intent to [injure] [defraud] [deceive] (*name insurance claimant*), it would be your duty to return a verdict of guilty of [assisting] [abetting] [soliciting] [conspiring with] another person to [make] [prepare] a false statement to deny benefit of an insurance policy. However, if you do not so find, or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. For further definitions of “aiding and abetting” see N.C.P.I.—Crim. 202.20, of “solicitation” see N.C.P.I.—Crim. 201.20, of “conspiracy” see N.C.P.I.—Crim. 202.80.

2. For a definition of “statement” see N.C. Gen. Stat. § 58-2-161(b)(2).

3. For a definition of “intent” see N.C.P.I.—Crim. 120.10.

N.C.P.I.—Crim. 233.83

FURNISHING A TOBACCO PRODUCT (INCLUDING VAPOR PRODUCTS) TO AN INMATE. MISDEMEANOR.

GENERAL CRIMINAL VOLUME

REPLACEMENT JANUARY 2024

N.C. Gen. Stat. § 14-258.1(c)

233.83 FURNISHING A TOBACCO PRODUCT (INCLUDING VAPOR PRODUCTS) TO AN INMATE. MISDEMEANOR.

NOTE WELL: If the offense involves furnishing a controlled substance to an inmate, use N.C.P.I.-Crim. 233.80. If the offense involves furnishing a deadly weapon, cartridge or ammunition to an inmate, use N.C.P.I.—Crim. 233.81. If the offense involves furnishing an alcoholic beverage to an inmate, use N.C.P.I.—Crim. 233.82. If the offense involves furnishing a cell phone to an inmate, use N.C.P.I.—Crim. 233.84.

The defendant has been charged with furnishing a tobacco product to an inmate [of the Division of Prisons of the Department of Adult Correction] [in the custody of a local confinement facility]. (Tobacco product includes a vapor product.)¹

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that (*name inmate*) was an inmate [of the Department of Adult Correction] [in the custody of a local confinement facility]. (*Name facility*) is [within the Department of Adult Correction] [a local confinement facility].

And Second, that while said inmate was an inmate of (*name facility*), the defendant knowingly² [sold] [gave] a tobacco product to [the inmate] [a person who was not an inmate for delivery to (*name inmate*)]³.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date (*name inmate*) was an inmate at (*name facility*) and that the defendant knowingly [sold] [gave] a tobacco product to [the inmate] [a person who was not an inmate for delivery to (*name inmate*)], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

N.C.P.I.—Crim. 233.83

FURNISHING A TOBACCO PRODUCT (INCLUDING VAPOR PRODUCTS) TO AN
INMATE. MISDEMEANOR.

GENERAL CRIMINAL VOLUME
REPLACEMENT JANUARY 2024
N.C. Gen. Stat. § 14-258.1(c)

1. N.C. Gen. Stat. § 148-23.1 defines “tobacco product” as cigars, cigarettes, snuff, loose tobacco, or similar goods made with any part of the tobacco plant that are prepared or used for smoking, chewing, dipping, or other personal use. The term also includes vapor products. Vapor products are non-lighted, non-combustible products that employ a mechanical heating element, battery or electronic circuit regardless of shape or size and that can be used to heat a liquid nicotine solution contained in a vapor cartridge. The term includes electronic cigarettes, electronic cigars, electronic cigarillos, and electronic pipes. The term does not include any product regulated by the United States Food and Drug Administration under Chapter V of the federal Food, Drug, and Cosmetic Act.

2. A person acts “knowingly” when the person is aware or conscious of what he or she is doing.

3. N.C. Gen. Stat. § 14-258.1(c) excepts tobacco products that are for authorized religious purposes.

N.C.P.I.—Crim. 233.84
FURNISHING A [MOBILE TELEPHONE] [WIRELESS COMMUNICATION
DEVICE] [COMPONENT OF A [MOBILE TELEPHONE] [WIRELESS
COMMUNICATION DEVICE]] TO AN INMATE. FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT JANUARY 2024
N.C. Gen. Stat. § 14-258.1(d)

233.84 FURNISHING A [MOBILE TELEPHONE] [WIRELESS COMMUNICATION
DEVICE] [COMPONENT OF A [MOBILE TELEPHONE] [WIRELESS
COMMUNICATION DEVICE]] TO AN INMATE. FELONY.

NOTE WELL: If the offense involves furnishing a controlled substance to an inmate, use N.C.P.I.-Crim. 233.80. If the offense involves furnishing a deadly weapon, cartridge or ammunition to an inmate, use N.C.P.I.—Crim. 233.81. If the offense involves furnishing an alcoholic beverage to an inmate, use N.C.P.I.—Crim. 233.82. If the offense involves furnishing tobacco to an inmate, use N.C.P.I.—Crim. 233.83.

The defendant has been charged with furnishing a [mobile telephone] [wireless communication device] [component of a [mobile telephone] [wireless communication device]] to an [inmate [of the Department of Adult Correction] [in the custody of a local confinement facility]] [a delinquent juvenile in the custody of the Division of Juvenile Justice of the Department of Public Safety].¹

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that (*name inmate*) was an [inmate [of the Department of Adult Correction] [in the custody of a local confinement facility]] [a delinquent juvenile in the custody of the Division of Juvenile Justice of the Department of Public Safety]. (*Name facility*) is [within the Department of Adult Correction] [a local confinement facility] [facility operated by the Division of Juvenile Justice of the Department of Public Safety].

And Second, that while [*name inmate*] was an inmate of (*name facility*), the defendant knowingly² [sold] [gave] a [mobile telephone] [wireless communication device] [a component of a [mobile telephone] [wireless

N.C.P.I.—Crim. 233.84

FURNISHING A [MOBILE TELEPHONE] [WIRELESS COMMUNICATION DEVICE] [COMPONENT OF A [MOBILE TELEPHONE] [WIRELESS COMMUNICATION DEVICE]] TO AN INMATE. FELONY.

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N.C. Gen. Stat. § 14-258.1(d)

communication device]] to [*name inmate*] [[another] [others] to give to [*name inmate*]].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date (*name inmate*) was an inmate at (*name facility*) within the Department of Adult Correction and that the defendant knowingly [sold] [gave] a [mobile telephone] [wireless communication device] [component of a [mobile telephone] [wireless communication device]] to [*name inmate*] [[another] [others] to give to [*name inmate*]], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. For the purposes of this offense, a delinquent juvenile in the custody of the Division of Juvenile Justice of the Department of Public Safety shall mean a juvenile confined in a youth development center or a detention facility as defined in N.C. Gen. Stat. §7B-1501, and shall include transportation of a juvenile to or from confinement.

2. A person acts “knowingly” when the person is aware or conscious of what he or she is doing.

N.C.P.I.—Crim. 233.85

PROVIDING [FORBIDDEN ARTICLES] [TOOLS TO ESCAPE] TO A PRISONER.
FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT JANUARY 2024

N.C. Gen. Stat. § 14-258(a)

233.85 PROVIDING [FORBIDDEN ARTICLES] [TOOLS TO ESCAPE] TO A
PRISONER. FELONY.

NOTE WELL: If the offense involves furnishing a controlled substance to an inmate, use N.C.P.I.—Crim. 233.80. If the offense involves furnishing a deadly weapon, cartridge or ammunition to an inmate, use N.C.P.I.—Crim. 233.81. If the offense involves furnishing an alcoholic beverage to an inmate, use N.C.P.I.—Crim. 233.82. If the offense involves furnishing tobacco to an inmate, use N.C.P.I.—Crim. 233.83.

The defendant has been charged with providing to a prisoner [an article forbidden by prison rules] [a [letter] [oral message] [weapon] [tool] [good] [clothing] [device] [instrument] to [effect an escape] [aid in an [assault] (or) [insurrection]]] to a prisoner.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that (*name prisoner*) was in the custody of [the Department of Adult Correction] [a local confinement facility¹] [a law enforcement officer]². (*Name facility or custodial officer*) is [within the Department of Adult Correction] [a local confinement facility] [a law enforcement officer].

And Second, that while (*name prisoner*) was [a prisoner of] [in the custody of] (*name facility or custodial officer*), the defendant [sold] [traded] [conveyed] [provided] [an article forbidden by prison rules] [a [letter] [oral message] [weapon] [tool] [good] [clothing] [device] [instrument] to [effect an escape] [aid in an [assault] (or) [insurrection]]] to (*name prisoner*).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date (*name prisoner*) was in the custody of [the Department of Adult Correction] [a local confinement facility] [a law enforcement officer] and that the defendant [sold] [traded] [conveyed] [provided] [an article forbidden by prison rules] [a [letter] [oral message] [weapon] [tool] [good]

N.C.P.I.—Crim. 233.85

PROVIDING [FORBIDDEN ARTICLES] [TOOLS TO ESCAPE] TO A PRISONER.
FELONY.

GENERAL CRIMINAL VOLUME
REPLACEMENT JANUARY 2024
N.C. Gen. Stat. § 14-258(a)

[clothing] [device] [instrument] to [effect an escape] [aid in an [assault] (or)
[insurrection]] to (*name prisoner*) it would be your duty to return a verdict of
guilty. If you do not so find or have a reasonable doubt as to one or more of
these things, it would be your duty to return a verdict of not guilty.

1. See N.C. Gen. Stat. §§ 153A-217 and 153A-230.1 for the definition of “local
confinement facility,” which includes persons pending trial, appellate review, or presentence
diagnostic evaluation.

2. N.C. Gen. Stat. § 14-254.5.

N.C.P.I.—Crim. 233.90
POSSESSION OF TOBACCO PRODUCT (INCLUDING VAPOR PRODUCTS) BY
AN INMATE. MISDEMEANOR.
GENERAL CRIMINAL VOLUME
REPLACEMENT JANUARY 2024
N.C. Gen. Stat. § 14-258.1(e)

233.90 POSSESSION OF TOBACCO PRODUCT (INCLUDING VAPOR
PRODUCTS) BY AN INMATE. MISDEMEANOR.

The defendant has been charged with possession of a tobacco product by an inmate [of the Department of Adult Correction] [in the custody of a local confinement facility]. (Tobacco products include vapor products.)¹

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant was an inmate [of the Department of Adult Correction] [in the custody of a local confinement facility]. (*Name facility*) is [within the Department of Adult Correction] [a local confinement facility].

And Second, that while the defendant was an inmate of (*name facility*), the defendant possessed a tobacco product.² A person possesses a tobacco product when the person is aware of its presence, and has both the power and intent to control the disposition or use of that substance.

NOTE WELL: If constructive possession is an issue, or if an amplified definition of actual possession is needed, the trial judge should refer to N.C.P.I.—Crim. 104.41 for further instructions.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was an inmate at (*name facility*) and that the defendant possessed a tobacco product, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. N.C. Gen. Stat. § 148-23.1 defines tobacco product as cigars, cigarettes, snuff, loose tobacco, or similar goods made with any part of the tobacco plant that are prepared or used for smoking, chewing, dipping, or other personal use. The term also includes vapor products. Vapor products are non-lighted, non-combustible products that employ a mechanical heating element, battery or electronic circuit regardless of shape or size and that

N.C.P.I.—Crim. 233.90
POSSESSION OF TOBACCO PRODUCT (INCLUDING VAPOR PRODUCTS) BY
AN INMATE. MISDEMEANOR.
GENERAL CRIMINAL VOLUME
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N.C. Gen. Stat. § 14-258.1(e)

can be used to heat a liquid nicotine solution contained in a vapor cartridge. The term includes electronic cigarettes, electronic cigars, electronic cigarillos, and electronic pipes. The term does not include any product regulated by the United States Food and Drug Administration under Chapter V of the federal Food, Drug, and Cosmetic Act.

2. N.C. Gen. Stat. § 14-258.1(c) allows tobacco products for authorized religious uses.

N.C.P.I.—Crim. 233.95

POSSESSION OF [MOBILE TELEPHONE] [WIRELESS COMMUNICATION DEVICE] [COMPONENT OF A [MOBILE TELEPHONE] [WIRELESS COMMUNICATION DEVICE]] BY AN INMATE. FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT JANUARY 2024

N.C. Gen. Stat. § 14-258.1(g)

233.95 POSSESSION OF [MOBILE TELEPHONE] [WIRELESS COMMUNICATION DEVICE] [COMPONENT OF A [MOBILE TELEPHONE] [WIRELESS COMMUNICATION DEVICE]] BY AN INMATE. FELONY.

The defendant has been charged with possession of a [mobile telephone] [wireless communication device] [component of a [mobile telephone] [wireless communication device]] by an inmate [of the Department of Adult Correction] [in the custody of a local confinement facility].

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant was an inmate [of the Department of Adult Correction] [in the custody of a local confinement facility]. (*Name facility*) is [within the Department of Adult Correction] [a local confinement facility].

And Second, that while the defendant was an inmate of (*name facility*), the defendant possessed a [mobile telephone] [wireless communication device] [component of a [mobile telephone] [wireless communication device]]. A person possesses a [mobile telephone] [wireless communication device] [component of a [mobile telephone] [wireless communication device]] when the person is aware of its presence, and has both the power and intent to control its disposition or use.

NOTE WELL: If constructive possession is an issue, or if an amplified definition of actual possession is needed, the trial judge should refer to N.C.P.I.—Crim. 104.41 for further instructions.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was an inmate at (*name facility*) within the Department of Adult Correction and that the defendant possessed a [mobile telephone] [wireless communication device] [component of a [mobile

N.C.P.I.—Crim. 233.95

POSSESSION OF [MOBILE TELEPHONE] [WIRELESS COMMUNICATION
DEVICE] [COMPONENT OF A [MOBILE TELEPHONE] [WIRELESS
COMMUNICATION DEVICE]] BY AN INMATE. FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT JANUARY 2024

N.C. Gen. Stat. § 14-258.1(g)

telephone] [wireless communication] device]], it would be your duty to return
a verdict of guilty. If you do not so find or have a reasonable doubt as to one
or more of these things, it would be your duty to return a verdict of not guilty.

N.C.P.I.—Crim. 235.36

[POSSESSION] [USE] OF AN [UNMANNED AIRCRAFT] [UNMANNED AIRCRAFT SYSTEM] THAT HAS A WEAPON ATTACHED. FELONY.

GENERAL CRIMINAL VOLUME

DECEMBER 2023

N.C. Gen. Stat. § 14-401.24(a).

235.36 [POSSESSION] [USE] OF AN [UNMANNED AIRCRAFT] [UNMANNED AIRCRAFT SYSTEM] THAT HAS A WEAPON ATTACHED. FELONY.

The defendant has been charged with [possession] [use] of an [unmanned aircraft]¹ [unmanned aircraft system]² that has a weapon attached.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt.

First, that the defendant [possessed]³ [used] an [unmanned aircraft] [unmanned aircraft system];

And Second, that the [unmanned aircraft] [unmanned aircraft system] had a weapon⁴ attached.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date that the defendant [possessed] [used] an [unmanned aircraft] [unmanned aircraft system] that had a weapon attached, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. An unmanned aircraft is defined as “an aircraft, as defined in G.S. 63-1, that is operated without the possibility of human intervention from within or on the aircraft.” N.C. Gen. Stat. § 15A-300.1.

2. An unmanned aircraft system is defined as “an unmanned aircraft and associated elements, including communication links and components that control the unmanned aircraft that are required for the pilot in command to operate safely and efficiently in the national airspace system.” N.C. Gen. Stat. § 15A-300.1.

3. The meaning of “possession” is explained in N.C.P.I.—Crim. 104.41.

4. A weapon is defined as “[t]hose weapons specified in G.S. 14-269, 14-269.2, 14-284.1, or 14-288.8 and any other object capable of inflicting serious bodily injury or death when used as a weapon.” N.C. Gen. Stat. § 14-401(c)(5).

N.C.P.I.—Crim. 235.40
USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A FOREST FIRE.
MISDEMEANOR.
GENERAL CRIMINAL VOLUME
APRIL 2024
N.C. Gen. Stat. §§ 15A-300.4(a), (c)(7)

235.40 USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A FOREST FIRE.
MISDEMEANOR.

The defendant, has been charged with use of an unmanned aircraft system near a forest fire.¹

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that the defendant was a [person] [entity] [State agency].

Second, that the defendant used an unmanned aircraft system.

And Third, that the defendant did so within a [horizontal]² [vertical] distance of 3,000 feet from any forest fire within the jurisdiction of the North Carolina Forest Service.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was a [person] [entity] [State agency] and that the defendant used an unmanned aircraft system within a [horizontal] [vertical] distance of 3,000 feet from any forest fire within the jurisdiction of the North Carolina Forest Service, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. N.C. Gen. Stat. § 15A-300.4(b) provides that “[u]nless the use of the unmanned aircraft system is otherwise prohibited under state or federal law,” this section does not apply to “[a] person operating an unmanned aircraft system with the consent of the official in responsible charge of management of the forest fire,” “[a] law enforcement officer using an unmanned aircraft system in accordance with G.S. 15A-300.1(c),” and “[a] North Carolina Forest Service employee or a person acting under the direction of a North Carolina Forest Service employee.” See *State v. Carey*, 273 N.C. App. 593, 849 S.E.2d 111 (2020) (holding that the language “does not apply” is exculpatory, and is not an underlying element of the offense.”).

N.C.P.I.—Crim. 235.40

USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A FOREST FIRE.
MISDEMEANOR.

GENERAL CRIMINAL VOLUME

APRIL 2024

N.C. Gen. Stat. §§ 15A-300.4(a), (c)(7)

2. The horizontal distance shall extend outward from the furthest exterior perimeter of the forest fire or forest fire control lines.

N.C.P.I.—Crim. 235.41

USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A FOREST FIRE
INTERFERING WITH EMERGENCY OPERATIONS. FELONY.

GENERAL CRIMINAL VOLUME

APRIL 2024

N.C. Gen. Stat. §§ 15A-300.4(a), (c)(5)

235.41 USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A FOREST FIRE
INTERFERING WITH EMERGENCY OPERATIONS. FELONY.

The defendant, has been charged with use of an unmanned aircraft system near a forest fire interfering with emergency operations.¹

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt:

First, that the defendant was a [person] [entity] [State agency].

Second, that the defendant used an unmanned aircraft system.

Third, that the defendant did so within a [horizontal]² [vertical] distance of 3,000 feet from any forest fire within the jurisdiction of the North Carolina Forest Service.

And Fourth, that the use of the unmanned aircraft system interfered with emergency operations.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was a [person] [entity] [State agency], that the defendant used an unmanned aircraft system within a [horizontal] [vertical] distance of 3,000 feet from any forest fire within the jurisdiction of the North Carolina Forest Service, and that such use interfered with emergency operations, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.³

1. N.C. Gen. Stat. § 15A-300.4(b) provides that “[u]nless the use of the unmanned aircraft system is otherwise prohibited under state or federal law,” this section does not apply to “[a] person operating an unmanned aircraft system with the consent of the official in responsible charge of management of the forest fire,” “[a] law enforcement officer using an unmanned aircraft system in accordance with G.S. 15A-300.1(c),” and “[a] North Carolina Forest Service employee or a person acting under the direction of a North Carolina Forest Service employee.” See *State v. Carey*, 273 N.C. App. 593, 849 S.E.2d 111 (2020) (holding

N.C.P.I.—Crim. 235.41

USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A FOREST FIRE
INTERFERING WITH EMERGENCY OPERATIONS. FELONY.

GENERAL CRIMINAL VOLUME

APRIL 2024

N.C. Gen. Stat. §§ 15A-300.4(a), (c)(5)

that the language “‘does not apply’ is exculpatory, and is not an underlying element of the offense.”).

2. The horizontal distance shall extend outward from the furthest exterior perimeter of the forest fire or forest fire control lines.

3. If there is evidence to support the submission of a lesser included offense, this last phrase would be amended as follows “If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of use of an unmanned aircraft system near a forest fire interfering with emergency operations, but would consider whether the defendant is guilty of”

N.C.P.I.—Crim. 235.42

USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A FOREST FIRE
INTERFERING WITH EMERGENCY OPERATIONS CAUSING DAMAGE. FELONY.
GENERAL CRIMINAL VOLUME

APRIL 2024

N.C. Gen. Stat. §§ 15A-300.4(a), (c)(4)

235.42 USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A FOREST FIRE
INTERFERING WITH EMERGENCY OPERATIONS CAUSING DAMAGE. FELONY.

The defendant, has been charged with use of an unmanned aircraft system near a forest fire interfering with emergency operations causing damage.¹

For you to find the defendant guilty of this offense, the State must prove five things beyond a reasonable doubt:

First, that the defendant was a [person] [entity] [State agency].

Second, that the defendant used an unmanned aircraft system.

Third, that the defendant did so within a [horizontal]² [vertical] distance of 3,000 feet from any forest fire within the jurisdiction of the North Carolina Forest Service.

Fourth, that the use of the unmanned aircraft system interfered with emergency operations.

And Fifth, that the interference proximately caused damage to any [[real] [personal] property]] [[tree] [wood] [underwood] [timber] [garden] [crops] [vegetables] [plants] [lands] [springs]] [[any other [matter] [thing] [growing] [being] on the land]]. A proximate cause is a real cause, a cause without which the damage would not have occurred, and one that a reasonably careful and prudent person could foresee would probably produce such [injury] [damage] or some similar injurious result. (The defendant's act need not have been the only cause, nor the last or nearest cause. It is sufficient if it occurred with some other cause acting at the same time, which, in combination with, caused the damage.)

N.C.P.I.—Crim. 235.42

USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A FOREST FIRE
INTERFERING WITH EMERGENCY OPERATIONS CAUSING DAMAGE. FELONY.
GENERAL CRIMINAL VOLUME

APRIL 2024

N.C. Gen. Stat. §§ 15A-300.4(a), (c)(4)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was a [person] [entity] [State agency], that the defendant used an unmanned aircraft system within a [horizontal] [vertical] distance of 3,000 feet from any forest fire within the jurisdiction of the North Carolina Forest Service, that such use interfered with emergency operations, and that such interference proximately caused damage to any [[real] [personal] property]] [[tree] [wood] [underwood] [timber] [garden] [crops] [vegetables] [plants] [lands] [springs]] [[any other [matter] [thing] [growing] [being] on the land]], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.³

1. N.C. Gen. Stat. § 15A-300.4(b) provides that “[u]nless the use of the unmanned aircraft system is otherwise prohibited under state or federal law,” this section does not apply to “[a] person operating an unmanned aircraft system with the consent of the official in responsible charge of management of the forest fire,” “[a] law enforcement officer using an unmanned aircraft system in accordance with G.S. 15A-300.1(c),” and “[a] North Carolina Forest Service employee or a person acting under the direction of a North Carolina Forest Service employee.” See *State v. Carey*, 273 N.C. App. 593, 849 S.E.2d 111 (2020) (holding that the language “does not apply” is exculpatory, and is not an underlying element of the offense.”).

2. The horizontal distance shall extend outward from the furthest exterior perimeter of the forest fire or forest fire control lines.

3. If there is evidence to support the submission of a lesser included offense, this last phrase would be amended as follows “If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of use of an unmanned aircraft system near a forest fire interfering with emergency operations causing damage, but would consider whether the defendant is guilty of”

N.C.P.I.—Crim. 235.43

USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A FOREST FIRE CAUSING
[PHYSICAL] [MENTAL] INJURY. FELONY.

GENERAL CRIMINAL VOLUME

MAY 2024

N.C. Gen. Stat. §§ 15A-300.4(a), (c)(6)

235.43 USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A FOREST FIRE
CAUSING [PHYSICAL] [MENTAL] INJURY. FELONY.

The defendant, has been charged with use of an unmanned aircraft system near a forest fire causing serious [physical] [mental] injury.¹

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt:

First, that the defendant was a [person] [entity] [State agency].

Second, that the defendant used an unmanned aircraft system.

Third, that the defendant did so within a [horizontal]² [vertical] distance of 3,000 feet from any forest fire within the jurisdiction of the North Carolina Forest Service.

And Fourth, that the use of the unmanned aircraft system was a proximate cause of [physical] [mental] injury to the victim. Physical or mental injury is defined as [cuts] [scrapes] [bruises] [other physical or mental injury that does not constitute serious bodily injury or serious physical or mental injury].³ A proximate cause is a real cause, a cause without which the victim's injury would not have occurred, and one that a reasonably careful and prudent person could foresee would probably produce such [injury] [damage] or some similar injurious result. (The defendant's act need not have been the only cause, nor the last or nearest cause. It is sufficient if it occurred with some other cause acting at the same time, which, in combination with, caused the injury to the victim.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was a [person] [entity] [State agency], that the defendant used an unmanned aircraft system within a [horizontal] [vertical] distance of 3,000 feet from any forest fire within the jurisdiction of

N.C.P.I.—Crim. 235.43

USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A FOREST FIRE CAUSING
[PHYSICAL] [MENTAL] INJURY. FELONY.

GENERAL CRIMINAL VOLUME

MAY 2024

N.C. Gen. Stat. §§ 15A-300.4(a), (c)(6)

the North Carolina Forest Service, and that the use of the unmanned aircraft system was a proximate cause of [physical] [mental] injury to the victim, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.⁴

1. N.C. Gen. Stat. § 15A-300.4(b) provides that “[u]nless the use of the unmanned aircraft system is otherwise prohibited under state or federal law,” this section does not apply to “[a] person operating an unmanned aircraft system with the consent of the official in responsible charge of management of the forest fire,” “[a] law enforcement officer using an unmanned aircraft system in accordance with G.S. 15A-300.1(c),” and “[a] North Carolina Forest Service employee or a person acting under the direction of a North Carolina Forest Service employee.” See *State v. Carey*, 273 N.C. App. 593, 849 S.E.2d 111 (2020) (holding that the language “‘does not apply’ is exculpatory, and is not an underlying element of the offense.”).

2. The horizontal distance shall extend outward from the furthest exterior perimeter of the forest fire or forest fire control lines.

3. See N.C. Gen. Stat. § 15A-300.4(e)(1).

4. If there is evidence to support the submission of a lesser included offense, this last phrase would be amended as follows “If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of use of an unmanned aircraft system near a forest fire causing [physical] [mental] injury, but would consider whether the defendant is guilty of”

N.C.P.I.—Crim. 235.44

USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A FOREST FIRE CAUSING
SERIOUS [PHYSICAL] [MENTAL] INJURY. FELONY.

GENERAL CRIMINAL VOLUME

MAY 2024

N.C. Gen. Stat. §§ 15A-300.4(a), (c)(3)

235.44 USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A FOREST FIRE
CAUSING SERIOUS [PHYSICAL] [MENTAL] INJURY. FELONY.

The defendant, has been charged with use of an unmanned aircraft system near a forest fire causing serious [physical] [mental] injury.¹

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt:

First, that the defendant was a [person] [entity] [State agency].

Second, that the defendant used an unmanned aircraft system.

Third, that the defendant did so within a [horizontal]² [vertical] distance of 3,000 feet from any forest fire within the jurisdiction of the North Carolina Forest Service.

And Fourth, that the use of the unmanned aircraft system was a proximate cause of serious [physical] [mental] injury to the victim. Serious physical or mental injury is physical or mental injury that causes great pain and suffering.³ A proximate cause is a real cause, a cause without which the victim's injury would not have occurred, and one that a reasonably careful and prudent person could foresee would probably produce such [injury] [damage] or some similar injurious result. (The defendant's act need not have been the only cause, nor the last or nearest cause. It is sufficient if it occurred with some other cause acting at the same time, which, in combination with, caused the injury to the victim.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was a [person] [entity] [State agency], that the defendant used an unmanned aircraft system within a [horizontal] [vertical] distance of 3,000 feet from any forest fire within the jurisdiction of the North Carolina Forest Service, and that the use of the unmanned aircraft

N.C.P.I.—Crim. 235.44

USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A FOREST FIRE CAUSING
SERIOUS [PHYSICAL] [MENTAL] INJURY. FELONY.

GENERAL CRIMINAL VOLUME

MAY 2024

N.C. Gen. Stat. §§ 15A-300.4(a), (c)(3)

system was a proximate cause of serious [physical] [mental] injury to the victim, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.⁴

1. N.C. Gen. Stat. § 15A-300.4(b) provides that “[u]nless the use of the unmanned aircraft system is otherwise prohibited under state or federal law,” this section does not apply to “[a] person operating an unmanned aircraft system with the consent of the official in responsible charge of management of the forest fire,” “[a] law enforcement officer using an unmanned aircraft system in accordance with G.S. 15A-300.1(c),” and “[a] North Carolina Forest Service employee or a person acting under the direction of a North Carolina Forest Service employee.” See *State v. Carey*, 273 N.C. App. 593, 849 S.E.2d 111 (2020) (holding that the language “does not apply” is exculpatory, and is not an underlying element of the offense.”).

2. The horizontal distance shall extend outward from the furthest exterior perimeter of the forest fire or forest fire control lines.

3. See N.C. Gen. Stat. § 15A-300.4(e)(3).

4. If there is evidence to support the submission of a lesser included offense, this last phrase would be amended as follows “If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of use of an unmanned aircraft system near a forest fire causing serious [physical] [mental] injury, but would consider whether the defendant is guilty of”

N.C.P.I.—Crim. 235.45

USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A FOREST FIRE CAUSING
SERIOUS BODILY INJURY. FELONY.

GENERAL CRIMINAL VOLUME

MAY 2024

N.C. Gen. Stat. §§ 15A-300.4(a), (c)(2)

235.45 USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A FOREST FIRE
CAUSING SERIOUS BODILY INJURY. FELONY.

The defendant, has been charged with use of an unmanned aircraft system near a forest fire causing serious bodily injury.¹

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt:

First, that the defendant was a [person] [entity] [State agency].

Second, that the defendant used an unmanned aircraft system.

Third, that the defendant did so within a [horizontal]² [vertical] distance of 3,000 feet from any forest fire within the jurisdiction of the North Carolina Forest Service.

And Fourth, that the use of the unmanned aircraft system was a proximate cause of serious bodily injury to the victim. Serious bodily injury is injury that creates or causes [a substantial risk of death] [serious permanent disfigurement] [coma] [a permanent or protracted condition that causes extreme pain] [permanent or protracted loss or impairment of the function of any bodily member or organ] [prolonged hospitalization].³ A proximate cause is a real cause, a cause without which the victim's injury would not have occurred, and one that a reasonably careful and prudent person could foresee would probably produce such [injury] [damage] or some similar injurious result. (The defendant's act need not have been the only cause, nor the last or nearest cause. It is sufficient if it occurred with some other cause acting at the same time, which, in combination with, caused the injury to the victim.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was a [person] [entity] [State agency], that the defendant used an unmanned aircraft system within a [horizontal]

N.C.P.I.—Crim. 235.45

USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A FOREST FIRE CAUSING
SERIOUS BODILY INJURY. FELONY.

GENERAL CRIMINAL VOLUME

MAY 2024

N.C. Gen. Stat. §§ 15A-300.4(a), (c)(2)

[vertical] distance of 3,000 feet from any forest fire within the jurisdiction of the North Carolina Forest Service, and that the use of the unmanned aircraft system was a proximate cause of serious bodily injury to the victim, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.⁴

1. N.C. Gen. Stat. § 15A-300.4(b) provides that “[u]nless the use of the unmanned aircraft system is otherwise prohibited under state or federal law,” this section does not apply to “[a] person operating an unmanned aircraft system with the consent of the official in responsible charge of management of the forest fire,” “[a] law enforcement officer using an unmanned aircraft system in accordance with G.S. 15A-300.1(c),” or “[a] North Carolina Forest Service employee or a person acting under the direction of a North Carolina Forest Service employee.” See *State v. Carey*, 273 N.C. App. 593, 849 S.E.2d 111 (2020) (holding that the language “does not apply” is exculpatory, and is not an underlying element of the offense.”).

2. The horizontal distance shall extend outward from the furthest exterior perimeter of the forest fire or forest fire control lines.

3. See N.C. Gen. Stat. § 15A-300.4(e)(2).

4. If there is evidence to support the submission of a lesser included offense, this last phrase would be amended as follows “If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of use of an unmanned aircraft system near a forest fire causing serious bodily injury, but would consider whether the defendant is guilty of”

N.C.P.I.—Crim. 235.46

USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A FOREST FIRE CAUSING DEATH. FELONY.

GENERAL CRIMINAL VOLUME

APRIL 2024

N.C. Gen. Stat. §§ 15A-300.4(a), (c)(1)

235.46 USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A FOREST FIRE CAUSING DEATH. FELONY.

The defendant, has been charged with use of an unmanned aircraft system near a forest fire causing death.¹

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt:

First, that the defendant was a [person] [entity] [State agency].

Second, that the defendant used an unmanned aircraft system.

Third, that the defendant did so within a [horizontal]² [vertical] distance of 3,000 feet from any forest fire within the jurisdiction of the North Carolina Forest Service.

And Fourth, that the use of the unmanned aircraft system was a proximate cause of the death of the victim. A proximate cause is a real cause, a cause without which the victim's death would not have occurred, and one that a reasonably careful and prudent person could foresee would probably produce such [injury] [damage] or some similar injurious result. (The defendant's act need not have been the only cause, nor the last or nearest cause. It is sufficient if it occurred with some other cause acting at the same time, which, in combination with, caused the death of the victim.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was a [person] [entity] [State agency], that the defendant used an unmanned aircraft system within a [horizontal] [vertical] distance of 3,000 feet from any forest fire within the jurisdiction of the North Carolina Forest Service, and that the use of the unmanned aircraft system was a proximate cause of the death of the victim, it would be your

N.C.P.I.—Crim. 235.46

USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A FOREST FIRE CAUSING DEATH. FELONY.

GENERAL CRIMINAL VOLUME

APRIL 2024

N.C. Gen. Stat. §§ 15A-300.4(a), (c)(1)

duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.³

1. N.C. Gen. Stat. § 15A-300.4(b) provides that “[u]nless the use of the unmanned aircraft system is otherwise prohibited under state or federal law,” this section does not apply to “[a] person operating an unmanned aircraft system with the consent of the official in responsible (*sic*) charge of management of the forest fire,” “[a] law enforcement officer using an unmanned aircraft system in accordance with G.S. 15A-300.1(c),” or “[a] North Carolina Forest Service employee or a person acting under the direction of a North Carolina Forest Service employee.” See *State v. Carey*, 273 N.C. App. 593, 849 S.E.2d 111 (2020) (holding that the language “does not apply” is exculpatory, and is not an underlying element of the offense.”).

2. The horizontal distance shall extend outward from the furthest exterior perimeter of the forest fire or forest fire control lines.

3. If there is evidence to support the submission of a lesser included offense, this last phrase would be amended as follows “If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of use of an unmanned aircraft system near a forest fire causing death, but would consider whether the defendant is guilty of”

N.C.P.I.—Crim. 235.49
USING AN UNMANNED AIRCRAFT SYSTEM TO [FISH] [HUNT].
MISDEMEANOR.
GENERAL CRIMINAL VOLUME
DECEMBER 2023
N.C. Gen. Stat. § 14-401.24(b).

235.49 USING AN UNMANNED AIRCRAFT SYSTEM TO [FISH] [HUNT].
MISDEMEANOR.

The defendant has been charged with using an unmanned aircraft system to [fish] [hunt].

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt.

First, that the defendant used an unmanned aircraft system;¹

And Second, that the defendant did so to [fish]² [hunt].³

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant used an unmanned aircraft system to [fish] [hunt], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

1. An unmanned aircraft system is defined as “an unmanned aircraft and associated elements, including communication links and components that control the unmanned aircraft that are required for the pilot in command to operate safely and efficiently in the national airspace system.” N.C. Gen. Stat. § 15A-300.1.

2. “To fish” as defined in N.C. Gen. Stat. § 113-130 is “to take fish,” “except when an unmanned aircraft or unmanned aircraft system is used during, immediately preparatory to, or immediately subsequent to the taking of fish or (i) spotting; locating; recording, broadcasting, or streaming video of fish; or (ii) deploying bait.” N.C. Gen. Stat. § 14-401.24(c).

3. “To hunt” is defined as “[t]o take wild animals or wild birds.” N.C. Gen. Stat. § 113-130.

N.C.P.I.—Crim. 236A.10

FELONIOUSLY ENGAGING IN A RIOT WHERE THE DEFENDANT HAS ACTUALLY PARTICIPATED IN THE VIOLENCE—MORE THAN \$2,500 PROPERTY DAMAGE OR SERIOUS BODILY INJURY. FELONY. MISDEMEANOR.

GENERAL CRIMINAL VOLUME

REPLACEMENT SEPTEMBER 2023

N.C. Gen. Stat. § 14-288.2(c1)

236A.10 FELONIOUSLY ENGAGING IN A RIOT WHERE THE DEFENDANT HAS ACTUALLY PARTICIPATED IN THE VIOLENCE—MORE THAN \$2,500 PROPERTY DAMAGE OR SERIOUS BODILY INJURY. FELONY. MISDEMEANOR.

The defendant has been charged with feloniously engaging in a riot.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that there was a riot.

A *riot* is a public disturbance, involving an assemblage of three or more persons which, by violent and disorderly conduct or the imminent threat of violent and disorderly conduct,

[results in injury or damage to persons or property]

(or)

[creates a clear and present danger of injury or damage to persons or property].

A *public disturbance*¹ is any annoying, disturbing or alarming act or conduct exceeding the bounds of social toleration normal for the time and place in question. The disturbance must [occur in] [affect or be likely to affect persons in] a [public place]² [place to which [the public] [a substantial group] has access]. ((*Name place, i.e., the yard of Prospect Methodist Church*) is a [public place] [place to which [the public] [a substantial group] has access.]) ((*Name group, e.g., the Members of Prospect Church*) are a substantial group.))

Violent and disorderly conduct consists of:

a) [fighting or other violent conduct.]

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FELONIOUSLY ENGAGING IN A RIOT WHERE THE DEFENDANT HAS ACTUALLY PARTICIPATED IN THE VIOLENCE—MORE THAN \$2,500 PROPERTY DAMAGE OR SERIOUS BODILY INJURY. FELONY. MISDEMEANOR.

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- b) [(an) [utterance] [gesture] [display] [abusive language] which was intended by the person using it to provoke violent retaliation and thereby cause a breach of the peace, and which was likely to do so.]
- c) [(Describe any other form of disorderly conduct relied upon by the State. See N.C. Gen. Stat. § 14-288.4(a)(3) through (6)).]

Second, that the defendant willfully engaged³ in the riot. Willfully means intentionally and without justification or excuse.⁴

And Third, that in the course of the riot the defendant caused [serious bodily injury]⁵ [property damage in excess of \$2,500.00].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully engaged in a riot at (*describe place*) and that in the course of the riot the defendant caused [serious bodily injury] [property damage in excess of \$2500.00], it would be your duty to return a verdict of guilty of feloniously engaging in a riot. If you do not so find or if you have a reasonable doubt as to one or more of these things, you will not return a verdict of guilty of feloniously engaging in a riot but must determine whether the defendant is guilty of misdemeanor engaging in a riot, which differs from feloniously engaging in a riot in that it is not necessary for the State to prove beyond a reasonable doubt that the defendant caused [serious bodily injury] [property damage in excess of \$2,500.00].⁶

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully engaged in a riot at (*describe place*), it would be your duty to return a verdict of guilty of misdemeanor engaging in a riot. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

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N.C. Gen. Stat. § 14-288.2(c1)

1. N.C. Gen. Stat. § 14-288.1(8).

2. "The places covered by this definition shall include, but are not limited to, highways, transport facilities, schools, prisons, apartment houses, places of business or amusement, or any neighborhood." N.C. Gen. Stat. § 14-288.1(8).

3. Mere presence alone, without an overt act, is not sufficient to sustain a conviction. See N.C. Gen. Stat. § 14-288.2(g).

4. Evidence that a person has disobeyed a lawful command to leave the scene of a riot after being lawfully ordered to do so is sufficient to let the case go to the jury on both the question of participation and willfulness. See N.C. Gen. Stat. § 14-288.5(c).

5. "Serious bodily injury" is bodily injury that creates a substantial risk of death, or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization. N.C. Gen. Stat. § 14-32.4(a).

If there is evidence as to injuries which could not conceivably be considered anything but serious, the trial judge may instruct the jury as follows: "*Describe injury* would be a serious bodily injury." See *State v. Hedgepeth*, 330 N.C. 38, 54, 409 S.E.2d 309, 318 (1991) (approving a peremptory instruction where evidence supported a finding of serious injury).

6. If a lesser included instruction is not to be given, the last clause should be ". . . it would be your duty to return a verdict of not guilty of feloniously engaging in a riot."

N.C.P.I.—Crim. 236A.15
FELONIOUSLY ENGAGING IN A RIOT WHERE THE DEFENDANT HAS
ACTUALLY PARTICIPATED IN THE VIOLENCE—DANGEROUS WEAPON OR
SUBSTANCE. FELONY. MISDEMEANOR.
GENERAL CRIMINAL VOLUME
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N.C. Gen. Stat. § 14-288.2(c).

236A.15 FELONIOUSLY ENGAGING IN A RIOT WHERE THE DEFENDANT HAS
ACTUALLY PARTICIPATED IN THE VIOLENCE—DANGEROUS WEAPON OR
SUBSTANCE. FELONY. MISDEMEANOR.

The defendant has been charged with feloniously engaging in a riot.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that there was a riot.

A *riot* is a public disturbance, involving an assemblage of three or more persons which, by violent and disorderly conduct or the imminent threat of violent and disorderly conduct,

[results in injury or damage to persons or property]

(or)

[creates a clear and present danger of injury or damage to persons or property].

A *public disturbance*¹ is any annoying, disturbing or alarming act or conduct, exceeding the bounds of social toleration normal for the time and place in question. The disturbance must [occur in] [affect or be likely to affect persons in] a [public place]² [place to which [the public] [a substantial group] has access]. ((*Name place, i.e., the yard of Prospect Methodist Church*) is a [public place] [place to which [the public] [a substantial group] has access.]) ((*Name group, e.g., the Members of Prospect Church*) are a substantial group.))

Violent and disorderly conduct consists of:

a) [fighting or other violent conduct.]

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FELONIOUSLY ENGAGING IN A RIOT WHERE THE DEFENDANT HAS
ACTUALLY PARTICIPATED IN THE VIOLENCE—DANGEROUS WEAPON OR
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- b) [(an) [utterance] [gesture] [display] [abusive language] which was intended by the person using it to provoke violent retaliation and thereby cause a breach of the peace, and which was likely to do so.]
- c) [(Describe any other form of disorderly conduct relied upon by the State. See N.C. Gen. Stat. § 14-288.4(a)(3) through (6)).]

Second, that the defendant willfully engaged³ in the riot. Willfully means intentionally and without justification or excuse.⁴

And Third, that in the course of the riot the defendant [brandished a dangerous weapon] [used a dangerous substance]. ((*Name weapon or substance*) is a dangerous [weapon] [substance]).⁵ (A dangerous weapon or substance is any [deadly weapon] [ammunition] ([explosive] [incendiary device] [radioactive material or device as defined in G.S. 14-288.8(c)(5)] [any instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property] [any instrument or substance that is capable of being used to inflict serious bodily injury, when the circumstances indicate a probability that such instrument or substance will be so used] [any part or ingredient in any instrument or substance included above, when the circumstances indicate a probability that such part or ingredient will be so used]).⁶

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully engaged in a riot at (*describe place*), and that in the course of the riot the defendant [brandished a dangerous weapon] [used a dangerous substance], it would be your duty to return a verdict of guilty of feloniously engaging in a riot. If you do not so find

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FELONIOUSLY ENGAGING IN A RIOT WHERE THE DEFENDANT HAS
ACTUALLY PARTICIPATED IN THE VIOLENCE—DANGEROUS WEAPON OR
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or have a reasonable doubt as to one or more of these things, you will not return a verdict of guilty of feloniously engaging in a riot.⁷

If you do not find the defendant guilty of feloniously engaging in a riot, you must determine whether the defendant is guilty of misdemeanor engaging in a riot, which differs from feloniously engaging in a riot in that it is not necessary for the State to prove beyond a reasonable doubt that in the course of the riot the defendant [brandished a dangerous weapon] [used a dangerous substance].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully engaged in a riot at (*describe place*), it would be your duty to return a verdict of guilty of misdemeanor engaging in a riot. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. N.C. Gen. Stat. § 14-288.1(8).

2. "The places covered by this definition shall include, but are not limited to, highways, transport facilities, schools, prisons, apartment houses, places of business or amusement, or any neighborhood." N.C. Gen. Stat. § 14-288.1(8).

3. Mere presence alone, without an overt act, is not sufficient to sustain a conviction. See N.C. Gen. Stat. § 14-288.2(g).

4. Evidence that a person has disobeyed a lawful command to leave the scene of a riot after being lawfully ordered to do so is sufficient to let the case go to the jury on both the question of participation and willfulness. See N.C. Gen. Stat. § 14-288.5(c).

5. Use parenthetical statement in the event that there is no dispute as to whether the weapon or substance was a dangerous weapon or substance.

6. In the event that there is a dispute as to whether the weapon or substance is a dangerous weapon or substance, use this parenthetical. See N.C. Gen. Stat. § 14-288.1(2).

7. If a lesser included instruction is not to be given, the last clause should be ". . . it would be your duty to return a verdict of not guilty of feloniously engaging in a riot."

236A.20 INCITING TO RIOT¹. MISDEMEANOR.

The defendant has been charged with inciting to riot.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt.

First, that a riot occurred.

A *riot* is a public disturbance, involving an assemblage of three or more persons which, by violent and disorderly conduct or the imminent threat of violent and disorderly conduct,

[results in injury or damage to persons or property]

(or)

[creates a clear and present danger of injury or damage to persons or property].

A *public disturbance*² is any annoying, disturbing or alarming act or conduct, exceeding the bounds of social toleration normal for the time and place in question. The disturbance must [occur in] [affect or be likely to affect persons in] a [public place]³ [place to which [the public] [a substantial group] has access]. ((*Name place, i.e., the yard of Prospect Methodist Church*) is a [public place] [place to which [the public] [a substantial group] has access.]) ((*Name group, e.g., The members of Prospect Church*) are a *substantial group*.)

Violent and disorderly conduct consists of:

- a) [fighting or other violent conduct.]
- b) [(an) [utterance] [gesture] [display] [abusive language] which was intended by the person using it to provoke violent retaliation

and thereby cause a breach of the peace, and which was likely to do so.]

- c) [(Describe any other form of disorderly conduct relied upon by the State. See N.C. Gen. Stat. § 14-288.4(a)(3) through (6)).]

(A clear and present danger of a riot exists only when each of the elements of a riot just described is about to occur and will occur immediately if there is no timely intervention.)

Second, that the defendant willfully incited⁴ another person to engage in a riot.

One person willfully incites or urges another person to engage in a riot when the first person specifically intends to cause the other to engage in the riot and carries out this intent by using words or gestures which are reasonably likely to cause the other to do so immediately.⁵

And Third, that the riot resulted or was directly and imminently likely to be produced from the defendant's incitement.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully incited another person to engage in a riot and that, as a result of this incitement, a riot occurred, it would be your duty to return a verdict of guilty of inciting to riot. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. *S. v. Brooks*, 287 N.C. 392 (1975) and *Fuller v. Scott*, 328 F. Supp. 842 (M.D.N.C. 1971) are leading cases on inciting to riot and should be consulted by the judge before trying such a case. See also, *S. v. Riddle*, 45 N.C. App. 34 (1980).

2. N.C. Gen. Stat. § 14-288.1(8).

3. "The places covered by this definition shall include, but are not limited to, highways, transport facilities, schools, prisons, apartment houses, places of business or amusement, or any neighborhood." N.C. Gen. Stat. § 14-288.1(8).

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4. Mere presence alone, without an overt act, is not sufficient to sustain a conviction.
See N.C. Gen. Stat. § 14-288.2(g).

5. If a definition of intent is needed, see N.C.P.I.—Crim. 120.10 (Definition of Intent).

236A.21 FELONIOUS INCITING TO RIOT¹—CAUSING DEATH. FELONY.

The defendant has been charged with felonious inciting to riot causing a death.

For you to find the defendant guilty of felonious inciting to riot, the State must prove two things beyond a reasonable doubt.

First, that the defendant willfully incited² another person to engage in a riot.

A *riot* is a public disturbance, involving an assemblage of three or more persons which, by violent and disorderly conduct or the imminent threat of violent and disorderly conduct,

[results in injury or damage to persons or property]

(or)

[creates a clear and present danger of injury or damage to persons or property].

A public disturbance³ is any annoying, disturbing, or alarming act or conduct, exceeding the bounds of social toleration normal for the time and place in question. The disturbance must [occur in] [affect or be likely to affect persons in] a [public place]⁴ [place to which [the public] [a substantial group] has access]. (*Name place, i.e., the yard of Prospect Methodist Church*) is a [public place] [place to which [the public] [a substantial group] has access]. ((*Name group, e.g., The members of the Prospect Church*) are a substantial group.))

Violent and disorderly conduct consists of:

a) [fighting or other violent conduct.]

- b) [(an) [utterance] [gesture] [display] [abusive language] which was intended by the person using it to provoke violent retaliation and thereby cause a breach of the peace, and which was likely to do so.]
- c) [*(Describe any other form of disorderly conduct relied upon by the State. See N.C. Gen. Stat. § 14-288.4 (a)(3) through (6)).*]

One person willfully incites another person to engage in a riot when the first person specifically intends to cause the other to engage in the riot and carries out this intent by using words or gestures which are reasonably likely to cause the other to do so immediately.⁵

And Second, that the defendant's incitement was a contributing cause of a riot in which there was a death.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant willfully incited another person to engage in a riot and that the defendant's incitement was a contributing cause of a riot in which there was a death, it would be your duty to return a verdict of guilty of felonious inciting to riot. If you do not so find, or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

1. *S. v. Brooks*, 287 N.C. 392 (1975) and *Fuller v. Scott*, 328 F. Supp. 842 (M.D.N.C. 1971) are leading cases on inciting to riot and should be consulted by the judge before trying such a case. *See also S. v. Riddle*, 45 N.C. App. 34 (1980).

2. Mere presence alone, without an overt act, is not sufficient to sustain a conviction. N.C. Gen. Stat. § 14-288.2(g).

3. N.C. Gen. Stat. § 14-288.1(8).

4. "The places covered by this definition shall include, but are not limited to, highways, transport facilities, schools, prisons, apartment houses, places of business or amusement, or any neighborhood." N.C. Gen. Stat. § 14-288.1(8).

5. If a definition of intent is needed, see N.C.P.I.—Crim. 120.10 (Definition of Intent).

236A.22 ENGAGING IN A RIOT. MISDEMEANOR.

The defendant has been charged with engaging in a riot.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that there was a riot.

A *riot* is a public disturbance, involving an assemblage of three or more persons which, by violent and disorderly conduct or the imminent threat of violent and disorderly conduct,

[results in injury or damage to persons or property]

(or)

[creates a clear and present danger of injury or damage to persons or property].

A *public disturbance*¹ is any annoying, disturbing or alarming act or conduct exceeding the bounds of social toleration normal for the time and place in question. The disturbance must [occur in] [affect or be likely to affect persons in] a [public place]² [place to which [the public] [a substantial group] has access]. ((*Name place, i.e., the yard of Prospect Methodist Church*) is a [public place] [place to which [the public] [a substantial group] has access.]) ((*Name group, e.g., the Members of Prospect Church*) are a substantial group.))

Violent and disorderly conduct consists of:

- a) [fighting or other violent conduct.]
- b) [(an) [utterance] [gesture] [display] [abusive language] which was intended by the person using it to provoke violent retaliation

and thereby cause a breach of the peace, and which was likely to do so.]

- c) [(Describe any other form of disorderly conduct relied upon by the State. See N.C. Gen. Stat. § 14-288.4(a)(3) through (6)).]

And Second, that the defendant willfully engaged³ in the riot. Willfully means intentionally and without justification or excuse.⁴

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully engaged in a riot at (*describe place*), it would be your duty to return a verdict of guilty. If you do not so find or if you have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. N.C. Gen. Stat. § 288.1(8).

2. "The places covered by this definition shall include, but are not limited to, highways, transport facilities, schools, prisons, apartment houses, places of business or amusement, or any neighborhood." N.C. Gen. Stat. § 14-288.1(8).

3. Mere presence alone, without an overt act, is not sufficient to sustain a conviction. See N.C. Gen. Stat. § 14-288.2(g).

4. Evidence that a person has disobeyed a lawful command to leave the scene of a riot after being lawfully ordered to do so is sufficient to let the case go to the jury on both the question of participation and willfulness. See N.C. Gen. Stat. § 14-288.5(c).

N.C.P.I.—Crim. 236A.25

FELONIOUS INCITING TO RIOT—DAMAGE IN EXCESS OF \$2,500 OR
SERIOUS BODILY INJURY (WITH MISDEMEANOR INCITING AS A LESSER
INCLUDED OFFENSE). FELONY. MISDEMEANOR.

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N.C. Gen. Stat. § 14-288.2(e)

236A.25 FELONIOUS INCITING TO RIOT¹—DAMAGE IN EXCESS OF \$2,500
OR SERIOUS BODILY INJURY (WITH MISDEMEANOR INCITING AS A LESSER
INCLUDED OFFENSE). FELONY. MISDEMEANOR.

The defendant has been charged with felonious inciting to riot.

For you to find the defendant guilty of felonious inciting to riot, the State
must prove four things beyond a reasonable doubt.

First, that there was a riot.

A *riot* is a public disturbance, involving an assemblage of three or more
persons which, by violent and disorderly conduct or the imminent threat of
violent and disorderly conduct,

[results in injury or damage to persons or property]

(or)

[creates a clear and present danger of injury or damage to persons or
property].

A public disturbance² is any annoying, disturbing, or alarming act or
conduct, exceeding the bounds of social toleration normal for the time and
place in question. The disturbance must [occur in] [affect or be likely to affect
persons in] a [public place]³ [place to which [the public] [a substantial group]
has access]. (*Name place, i.e., the yard of Prospect Methodist Church*) is a
[public place] [place to which [the public] [a substantial group] has access].
(*(Name group, e.g., The members of the Prospect Church) are a substantial
group.*))

Violent and disorderly conduct consists of:

a) [fighting or other violent conduct.]

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FELONIOUS INCITING TO RIOT—DAMAGE IN EXCESS OF \$2,500 OR
SERIOUS BODILY INJURY (WITH MISDEMEANOR INCITING AS A LESSER
INCLUDED OFFENSE). FELONY. MISDEMEANOR.

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N.C. Gen. Stat. § 14-288.2(e)

- b) [(an) [utterance] [gesture] [display] [abusive language] which was intended by the person using it to provoke violent retaliation and thereby cause a breach of the peace, and which was likely to do so.]
- c) [*(Describe any other form of disorderly conduct relied upon by the State. See N.C. Gen. Stat. § 14-288.4 (a)(3) through (6)).*]

Second, that the defendant willfully incited⁴ another person to engage in a riot.

One person willfully incites another person to engage in a riot when the first person specifically intends to cause the other to engage in the riot and carries out this intent by using words or gestures which are reasonably likely to cause the other to do so immediately.⁵

Third, that the defendant's incitement was a contributing cause of the riot.

And Fourth, that there was [property damage in excess of \$2,500.00] (or) [serious bodily injury⁶] in the riot. (*(Describe injury)* is a serious bodily injury.)⁷)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date a riot occurred, the defendant willfully incited another person to engage in the riot, the defendant's inciting was a contributing cause of the riot, and that there was [property damage in excess of \$2,500.00] (or) [serious bodily injury] in the riot, it would be your duty to return a verdict of guilty of felonious inciting to riot. If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of felonious inciting to riot, but you must determine whether the defendant is guilty of misdemeanor inciting to riot, which differs from felonious

N.C.P.I.—Crim. 236A.25

FELONIOUS INCITING TO RIOT—DAMAGE IN EXCESS OF \$2,500 OR
SERIOUS BODILY INJURY (WITH MISDEMEANOR INCITING AS A LESSER
INCLUDED OFFENSE). FELONY. MISDEMEANOR.

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inciting to riot only in that the State need not prove beyond a reasonable
doubt that there was [property damage in excess of \$2,500.00] (or) [serious
bodily injury] in the riot.

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date, the defendant willfully incited another person to
engage in a riot and that, as a result of this incitement a riot occurred, it would
be your duty to return a verdict of guilty of misdemeanor inciting to riot. If
you do not so find, or have a reasonable doubt as to one or more of these
things, it would be your duty to return a verdict of not guilty.

1. *S. v. Brooks*, 287 N.C. 392 (1975) and *Fuller v. Scott*, 328 F. Supp. 842 (M.D.N.C. 1971) are leading cases on inciting to riot and should be consulted by the judge before trying such a case. See also *S. v. Riddle*, 45 N.C. App. 34 (1980).

2. N.C. Gen. Stat. § 14-288.1(8).

3. "The places covered by this definition shall include, but are not limited to, highways, transport facilities, schools, prisons, apartment houses, places of business or amusement, or any neighborhood." N.C. Gen. Stat. § 14-288.1(8).

4. Mere presence alone, without an overt act, is not sufficient to sustain a conviction. N.C. Gen. Stat. § 14-288.2(g).

5. If a definition of intent is needed, see N.C.P.I.—Crim. 120.10 (Definition of Intent).

6. "Serious bodily injury" is bodily injury that creates a substantial risk of death, or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization. N.C. Gen. Stat. § 14-32.4(a).

7. If there is evidence as to injuries which could not conceivably be considered anything but serious, the trial judge may instruct the jury as follows: "(Describe injury) would be a serious bodily injury." See *State v. Hedgepeth*, 330 N.C. 38, 54, 409 S.E.2d 309, 318 (1991) (approving a peremptory instruction where evidence supported a finding of serious injury).

N.C.P.I.—Crim. 236A.26
FELONIOUSLY ENGAGING IN A RIOT—CAUSING DEATH. FELONY.
MISDEMEANOR.
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236A.26 FELONIOUSLY ENGAGING IN A RIOT—CAUSING DEATH. FELONY.
MISDEMEANOR.

The defendant has been charged with feloniously engaging in a riot.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that there was a riot.

A *riot* is a public disturbance, involving an assemblage of three or more persons which, by violent and disorderly conduct or the imminent threat of violent and disorderly conduct,

[results in injury or damage to persons or property]

(or)

[creates a clear and present danger of injury or damage to persons or property].

A *public disturbance*¹ is any annoying, disturbing or alarming act or conduct exceeding the bounds of social toleration normal for the time and place in question. The disturbance must [occur in] [affect or be likely to affect persons in] a [public place]² [place to which [the public] [a substantial group] has access]. ((*Name place, i.e., the yard of Prospect Methodist Church*) is a [public place] [place to which [the public] [a substantial group] has access.]) ((*Name group, e.g., the Members of Prospect Church*) are a substantial group.))

Violent and disorderly conduct consists of:

- a) [fighting or other violent conduct.]
- b) [(an) [utterance] [gesture] [display] [abusive language] which was intended by the person using it to provoke violent retaliation

and thereby cause a breach of the peace, and which was likely to do so.]

- c) [*Describe any other form of disorderly conduct relied upon by the State. See N.C. Gen. Stat. § 14-288.4(a)(3) through (6).*]

Second, that the defendant willfully engaged³ in the riot. Willfully means intentionally and without justification or excuse.⁴

And Third, that in the course of the riot the defendant caused a death.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully engaged in a riot, and that in the course of the riot the defendant caused a death, it would be your duty to return a verdict of guilty of feloniously engaging in a riot. If you do not so find or if you have a reasonable doubt as to one or more of these things, you will not return a verdict of guilty of feloniously engaging in a riot but must determine whether the defendant is guilty of misdemeanor engaging in a riot, which differs from feloniously engaging in a riot in that it is not necessary for the State to prove beyond a reasonable doubt that in the course of the riot the defendant caused a death.⁵

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully engaged in a riot, it would be your duty to return a verdict of guilty of the misdemeanor of engaging in a riot. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. N.C. Gen. Stat. § 288.1(8).

2. "The places covered by this definition shall include, but are not limited to, highways, transport facilities, schools, prisons, apartment houses, places of business or amusement, or any neighborhood." N.C. Gen. Stat. § 14-288.1(8).

N.C.P.I.—Crim. 236A.26
FELONIOUSLY ENGAGING IN A RIOT—CAUSING DEATH. FELONY.
MISDEMEANOR.
GENERAL CRIMINAL VOLUME
SEPTEMBER 2023
N.C. Gen. Stat. § 14-288.2(c2)

3. Mere presence alone, without an overt act, is not sufficient to sustain a conviction. See N.C. Gen. Stat. § 14-288.2(g).

4. Evidence that a person has disobeyed a lawful command to leave the scene of a riot after being lawfully ordered to do so is sufficient to let the case go to the jury on both the question of participation and willfulness. See N.C. Gen. Stat. § 14-288.5(c).

5. If a lesser included instruction is not to be given, the last clause should be “. . . it would be your duty to return a verdict of not guilty of feloniously engaging in a riot.”

236B.10 STREET TAKEOVER. MISDEMEANOR.

The defendant has been charged with street takeover.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt.

First, that the defendant operated a motor vehicle in a street takeover.

A street takeover¹ is defined as the unauthorized taking over of a portion of highway, street, or public vehicular area by blocking or impeding the regular flow of traffic with a motor vehicle to perform a motor vehicle stunt,² contest, or exhibition.

And Second, that the defendant did so knowingly.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly operated a motor vehicle in a street takeover, it would be your duty to return a verdict of guilty. If you do not so find, or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

1. N.C. Gen. Stat. § 20-141.10(a)(8).

2. A stunt is defined as a burnout, doughnut, wheelie, drifting, or other dangerous motor vehicle activity. See N.C. Gen. Stat. § 20-141.10(a)(9). For a definition of burnout, doughnut, wheelie, or drifting, see N.C. Gen. Stat. § 20-141.10(a).

236B.15 STREET TAKEOVER. FELONY.

The defendant has been charged with felonious street takeover.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt.

First, that the defendant operated a motor vehicle in a street takeover. A street takeover¹ is defined as the unauthorized taking over of a portion of highway, street, or public vehicular area by blocking or impeding the regular flow of traffic with a motor vehicle to perform a motor vehicle stunt,² contest, or exhibition.

Second, that the defendant did so knowingly.

And Third, that on (name date) the defendant, in (name court) [was convicted of] [pled guilty to] the crime of street takeover. This second (and otherwise subsequent) crime must have been committed within 24 months after the plea of guilty to or conviction of the one before it.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly operated a motor vehicle in a street takeover and had been previously convicted of street takeover, it would be your duty to return a verdict of guilty of felonious street takeover. If you do not so find, or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of felonious street takeover but would consider whether the defendant is guilty of misdemeanor street takeover, which differs from felonious street takeover in that it is not necessary for the State to prove beyond a reasonable doubt that the defendant had been previously convicted of or pled guilty to street takeover.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly operated a motor vehicle in a

N.C.P.I.—Crim. 236B.15
STREET TAKEOVER. FELONY.
GENERAL CRIMINAL VOLUME
OCTOBER 2023
N.C. Gen. Stat. § 20-141.10(b)

street takeover, it would be your duty to return a verdict of guilty of misdemeanor street takeover. If you do not so find, or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

1. N.C. Gen. Stat. § 20-141.10(a)(8).

2. A stunt is defined as a burnout, doughnut, wheelie, drifting, or other dangerous motor vehicle activity. See N.C. Gen. Stat. § 20-141.10(a)(9). For a definition of burnout, doughnut, wheelie, or drifting, see N.C. Gen. Stat. § 20-141.10(a).

N.C.P.I.—Crim. 236B.20
COMMITTING AN OVERT ACT IN FURTHERANCE OF A STREET TAKEOVER.
MISDEMEANOR.
GENERAL CRIMINAL VOLUME
OCTOBER 2023
N.C. Gen. Stat. § 20-141.10(c)

236B.20 COMMITTING AN OVERT ACT IN FURTHERANCE OF A STREET
TAKEOVER. MISDEMEANOR.

The defendant has been charged with committing an overt act in furtherance of a street takeover.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt.

First, that the defendant [participated in] [coordinated through social media or otherwise] [committed an overt act in furtherance of] [facilitated] a street takeover.¹

A street takeover² is defined as the unauthorized taking over of a portion of a highway, street, or public vehicular area by blocking or impeding the regular flow of traffic with a motor vehicle to perform a motor vehicle stunt,³ contest, or exhibition.

And Second, that the defendant did so knowingly.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly [participated in] [coordinated through social media or otherwise] [committed an overt act in furtherance of] [facilitated] a street takeover, it would be your duty to return a verdict of guilty. If you do not so find, or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

1. Mere presence alone without an intentional act is not sufficient to sustain a conviction. N.C. Gen. Stat. § 14-141.10(c).

2. N.C. Gen. Stat. § 20-141.10(a)(8).

3. A stunt is defined as a burnout, doughnut, wheelie, drifting, or other dangerous motor vehicle activity. See N.C. Gen. Stat. § 20-141.10(a)(9). For a definition of burnout, doughnut, wheelie, or drifting, see N.C. Gen. Stat. § 20-141.10(a).

236B.25 ASSAULT OR THREAT OF A LAW ENFORCEMENT OFFICER DURING A
STREET TAKEOVER. FELONY.

The defendant has been charged with assault or threat of a law enforcement officer during a street takeover.

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt.

First, that the defendant operated a motor vehicle in a street takeover. A street takeover¹ is defined as the unauthorized taking over of a portion of highway, street, or public vehicular area by blocking or impeding the regular flow of traffic with a motor vehicle to perform a motor vehicle stunt,² contest, or exhibition.

Second, that the defendant did so knowingly.

Third, that the defendant [assaulted³ the alleged victim by (*describe assault*)] [knowingly and willfully threatened⁴ the alleged victim].

And Fourth, that the alleged victim was a law enforcement officer and the defendant knew or had reasonable grounds to know that the alleged victim was a law enforcement officer.

(A true threat is defined as an objectively threatening statement communicated by a party who possesses the subjective intent to threaten a listener or identifiable group.⁵ An objectively threatening statement is one that would be understood, by a reasonably prudent person perceiving it within its proper context, as a serious expression of an intent by the speaker to assault another person. Subjective intent requires that the speaker intended the statement to be understood as a threat.⁶ (Intent is a mental attitude seldom provable by direct evidence. It must ordinarily be proved by circumstances from which it may be inferred. You arrive at the intent of a person by such

N.C.P.I.—Crim. 236B.25
ASSAULT OR THREAT OF A LAW ENFORCEMENT OFFICER DURING A STREET
TAKEOVER. FELONY.
GENERAL CRIMINAL VOLUME
DECEMBER 2023
N.C. Gen. Stat. § 20-141.10(e)

just and reasonable deductions from the circumstances proven as a reasonably prudent person would ordinarily draw therefrom.)⁷⁾

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly operated a motor vehicle in a street takeover, [assaulted] [knowingly and willfully threatened] the alleged victim, the alleged victim was a law enforcement officer and the defendant knew or had reasonable grounds to know that the alleged victim was a law enforcement officer, it would be your duty to return a verdict of guilty. If you do not so find, or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. N.C. Gen. Stat. § 20-141.10(a)(8).

2. A stunt is defined as a burnout, doughnut, wheelie, drifting, or other dangerous motor vehicle activity. See N.C. Gen. Stat. § 20-141.10(a)(9). For a definition of burnout, doughnut, wheelie, or drifting, see N.C. Gen. Stat. § 20-141.10(a).

3. Provided there is no battery involved, choose the most appropriate definition of assault as follows: (An assault is an overt act or an attempt, or the unequivocal appearance of an attempt, with force and violence, to do some immediate physical injury to the person of another, which show of force or menace of violence must be sufficient to put a person of reasonable firmness in fear of immediate bodily harm.) (An assault is an intentional attempt, by violence, to do injury to the person of another.)

4. The Supreme Court of North Carolina has noted that, under the Free Speech Clause of the First Amendment of the United States Constitution, as incorporated to apply to the states through the Due Process Clause of the Fourteenth Amendment, “the State may not punish an individual for speaking based upon the contents of the message communicated.” *State v. Taylor*, 2021-NCSC-164, ¶ 34. In recognizing limited exceptions to this principle, the State may “criminalize certain categories of expression which, by their very nature, lack constitutional value.” *Id.* Therefore, in order to overcome the constitutional protections provided by the First Amendment, the State must prove that the defendant communicated a “true threat” against the alleged victim(s), necessitating sufficient proof of both an objective and subjective element in order to convict a defendant under N.C. Gen. Stat. § 14-16.7(a). *Id.* at ¶ 42.

5. *State v. Taylor*, 2021-NCSC-164, ¶ 34.

6. In adopting the North Carolina Court of Appeals’ interpretation that the State is required to establish both an objective and subjective component to qualify as a “true threat,” the Supreme Court of North Carolina does not explicitly define either “objective” or “subjective” intent. However, in remanding the case for a jury’s proper consideration of a true threat, the Court expressly quotes the lower court’s diction of objective and subjective

N.C.P.I.—Crim. 236B.25
ASSAULT OR THREAT OF A LAW ENFORCEMENT OFFICER DURING A STREET
TAKEOVER. FELONY.
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DECEMBER 2023
N.C. Gen. Stat. § 20-141.10(e)

intent. *State v. Taylor*, 2021-NCSC-164, ¶ 14 (quoting *State v. Taylor*, 270 N.C. App. 514, 557, 841 S.E.2d 776, 814 (2020)).

7. Where there is a serious issue as to subjective intent, the parenthetical phrase may be useful. See N.C.P.I.—Crim. 120.10 (Definition of Intent). Footnote 1 of N.C.P.I.—Crim. 120.10 provides supplemental language on general and specific intent. However, due to the specificity of the requirements of a “true threat” pursuant to *State v. Taylor*, 2021-NCSC-164, the preceding definitions before the parenthetical should be relied on solely as to not confuse the jury with conflicting definitions.

N.C.P.I.—Crim. 237.51
KNOWINGLY [OFFERING] [ENGAGING IN] UNLAWFUL SPORTS WAGERING.
MISDEMEANOR.
GENERAL CRIMINAL VOLUME
MAY 2024
N.C. Gen. Stat. § 18C-918(a)

237.51 KNOWINGLY [OFFERING] [ENGAGING IN] UNLAWFUL SPORTS
WAGERING. MISDEMEANOR.

The defendant has been charged with knowingly [offering] [engaging in] unlawful sports wagering.¹

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant [offered] [engaged in] sports wagering² by (*describe violation of Article 9 of Chapter 18C, N.C. Gen. Stat. § 18C-901 et seq.*).

And Second, that the defendant did so knowingly.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly [offered] [engaged in] sports wagering by (*describe violation of Article 9 of Chapter 18C, N.C. Gen. Stat. § 18C-901 et seq.*), it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

1. N.C. Gen. Stat. § 18C-918(e) provides that “[n]othing in this Article shall be construed to allow the interactive sports wagering operator or its service providers to be charged with a violation of subsection (a) or (c) of this section absent actual notice and knowledge that a person is under age or giving false information.”

2. A sports wager or sports wagering is defined as the “[p]lacing of wagers on any of the following: (i) a sporting event, (ii) a portion of a sporting event, or (iii) the individual performance statistics of athletes in a sporting event or combination of sporting events. The term also includes single-game wagers, in-game wagering, in-play wagers, proposition wagers, straight wagers, and any other wager approved by the [North Carolina State Lottery] Commission.” N.C. Gen. Stat. § 18C-901(19).

237.52 ENGAGING IN SPORTS WAGERING UNDER THE AGE OF 21.
MISDEMEANOR.

The defendant has been charged with engaging in sports wagering under the age of 21.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant was under the age of 21.

And Second, that the defendant engaged in sports wagering.¹

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was under the age of 21 and engaged in sports wagering, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

1. A sports wager or sports wagering is defined as the “[p]lacing of wagers on any of the following: (i) a sporting event, (ii) a portion of a sporting event, or (iii) the individual performance statistics of athletes in a sporting event or combination of sporting events. The term also includes single-game wagers, in-game wagering, in-play wagers, proposition wagers, straight wagers, and any other wager approved by the [North Carolina State Lottery] Commission.” N.C. Gen. Stat. § 18C-901(19).

N.C.P.I.—Crim. 237.53

KNOWINGLY ATTEMPTING TO [SUBORN] [COLLUDE] [OTHERWISE CONSPIRE] TO INFLUENCE THE OUTCOME OF [ANY COMPETITION] [ASPECT OF ANY COMPETITION] THAT IS THE SUBJECT OF SPORTS WAGERING. FELONY.

GENERAL CRIMINAL VOLUME

MAY 2024

N.C. Gen. Stat. § 18C-918(c)

237.53 KNOWINGLY ATTEMPTING TO [SUBORN] [COLLUDE] [OTHERWISE CONSPIRE] TO INFLUENCE THE OUTCOME OF [ANY COMPETITION] [ASPECT OF ANY COMPETITION] THAT IS THE SUBJECT OF SPORTS WAGERING. FELONY.

The defendant has been charged with knowingly attempting to [suborn] [collude] [otherwise conspire] to influence the outcome of [any competition] [aspect of any competition] that is the subject of sports wagering.¹

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant attempted to [suborn] [collude] [otherwise conspire] to influence the outcome of [any competition] [aspect of any competition] that is the subject of sports wagering.²

And Second, that the defendant did so knowingly.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly [attempted to [suborn] [collude] [otherwise conspire] to influence the outcome of [any competition] [aspect of any competition] that is the subject of sports wagering, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

1. N.C. Gen. Stat. § 18C-918(e) provides that “[n]othing in this Article shall be construed to allow the interactive sports wagering operator or its service providers to be charged with a violation of subsection (a) or (c) of this section absent actual notice and knowledge that a person is under age or giving false information.”

2. A sports wager or sports wagering is defined as the “[p]lacing of wagers on any of the following: (i) a sporting event, (ii) a portion of a sporting event, or (iii) the individual performance statistics of athletes in a sporting event or combination of sporting events. The term also includes single-game wagers, in-game wagering, in-play wagers, proposition

N.C.P.I.—Crim. 237.53

KNOWINGLY ATTEMPTING TO [SUBORN] [COLLUDE] [OTHERWISE
CONSPIRE] TO INFLUENCE THE OUTCOME OF [ANY COMPETITION] [ASPECT
OF ANY COMPETITION] THAT IS THE SUBJECT OF SPORTS WAGERING.
FELONY.

GENERAL CRIMINAL VOLUME

MAY 2024

N.C. Gen. Stat. § 18C-918(c)

wagers, straight wagers, and any other wager approved by the [North Carolina State Lottery]
Commission." N.C. Gen. Stat. § 18C-901(19).

N.C.P.I.—Crim. 237.54

WILLFULLY [FURNISHING] [SUPPLYING] [OTHERWISE GIVING] FALSE INFORMATION ON AN INTERACTIVE SPORTS LICENSE APPLICATION. FELONY.

GENERAL CRIMINAL VOLUME

MAY 2024

N.C. Gen. Stat. § 18C-918(d)

237.54 WILLFULLY [FURNISHING] [SUPPLYING] [OTHERWISE GIVING] FALSE INFORMATION ON AN INTERACTIVE SPORTS LICENSE APPLICATION. FELONY.

The defendant has been charged with willfully [furnishing] [supplying] [otherwise giving] false information on a(n) [interactive sports wagering license] [service provider license] [sports wagering supplier license] application.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant was an applicant for a(n) [interactive sports wagering¹ license] [service provider² license] [sports wagering supplier³ license].

And Second, that the defendant willfully [furnished] [supplied] [otherwise gave] false information on the license application.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, that the defendant was an applicant for a(n) [interactive sports wagering license] [service provider license] [sports wagering supplier license] and that the defendant willfully [furnished] [supplied] [otherwise gave] false information on the license application, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

1. A sports wager or sports wagering is defined as the “[p]lacing of wagers on any of the following: (i) a sporting event, (ii) a portion of a sporting event, or (iii) the individual performance statistics of athletes in a sporting event or combination of sporting events. The term also includes single-game wagers, in-game wagering, in-play wagers, proposition

N.C.P.I.—Crim. 237.54

WILLFULLY [FURNISHING] [SUPPLYING] [OTHERWISE GIVING] FALSE
INFORMATION ON AN INTERACTIVE SPORTS LICENSE APPLICATION.
FELONY.

GENERAL CRIMINAL VOLUME

MAY 2024

N.C. Gen. Stat. § 18C-918(d)

wagers, straight wagers, and any other wager approved by the [North Carolina State Lottery] Commission.” N.C. Gen. Stat. § 18C-901(19).

2. A service provider is defined as “[a] business entity that provides covered services to an interactive sports wagering operator and holds a service provider license.” N.C. Gen. Stat. § 18C-901(15).

3. A sports wagering supplier is defined as “[a] person that provides services, goods, software, or other components necessary for the creation of sports wagering markets and determination of sports wager outcomes, directly or indirectly, to any interactive sports wagering operator or service provider involved in the acceptance of sports wagers, including any of the following: providers of data feeds and odds services, internet platform providers, risk management providers, integrity monitoring providers, entities engaged in facilitating or enabling sports wagering activities on behalf of, or in affiliation with, interactive sports wagering operators in places of public accommodation, and other providers of sports wagering supplier services as determined by the [North Carolina State Lottery] Commission. The term does not include a sports governing body that provides raw statistical match data to one or more designated and licensed providers of data and odds services.” N.C. Gen. Stat. § 18C-901(22).

N.C.P.I.—Crim. 237.55
KNOWINGLY [OFFERING] [ENGAGING IN] UNLAWFUL PARI-MUTUEL
WAGERING. MISDEMEANOR.
GENERAL CRIMINAL VOLUME
MAY 2024
N.C. Gen. Stat. § 18C-1020(a)

237.55 KNOWINGLY [OFFERING] [ENGAGING IN] UNLAWFUL PARI-MUTUEL
WAGERING. MISDEMEANOR.

The defendant has been charged with knowingly [offering] [engaging in] unlawful pari-mutuel wagering.¹

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant [offered] [engaged in] pari-mutuel wagering² by (*describe violation of Article 10 of Chapter 18C, N.C. Gen. Stat. § 18C-1000 et seq.*).

And Second, that the defendant did so knowingly.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly [offered] [engaged in] pari-mutuel wagering by (*describe violation of Article 10 of Chapter 18C, N.C. Gen. Stat. § 18C-1000 et seq.*), it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

1. N.C. Gen. Stat. § 18C-1020(e) provides that “[n]othing in this Article shall be construed to allow the ADW licensee to be charged with a violation of subsection (a) or (c) of this section absent actual notice and knowledge that a person is under age or giving false information.”

2. A pari-mutuel wager or pari-mutuel wagering is defined as “[a] form of wagering on the outcome of horse races, whether live or simulcast, in which wagers are made on one or more horses and all wagers are pooled and held by the host of the race or the ADW licensee for distribution.” N.C. Gen. Stat. § 18C-1001(3).

N.C.P.I.—Crim. 237.56
ENGAGING IN PARI-MUTUEL WAGERING UNDER THE AGE OF 21.
MISDEMEANOR.
GENERAL CRIMINAL VOLUME
MAY 2024
N.C. Gen. Stat. § 18C-1020(b)

237.56. ENGAGING IN PARI-MUTUEL WAGERING UNDER THE AGE OF 21.
MISDEMEANOR.

The defendant has been charged with engaging in pari-mutuel wagering under the age of 21.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant was under the age of 21.

And Second, that the defendant engaged in pari-mutuel wagering.¹

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was under the age of 21 and engaged in pari-mutuel wagering, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

1. A pari-mutuel wager or pari-mutuel wagering is defined as “[a] form of wagering on the outcome of horse races, whether live or simulcast, in which wagers are made on one or more horses and all wagers are pooled and held by the host of the race or the ADW licensee for distribution.” N.C. Gen. Stat. § 18C-1001(3).

N.C.P.I.—Crim. 237.57

KNOWINGLY ATTEMPTING TO [SUBORN] [COLLUDE] [OTHERWISE CONSPIRE] TO INFLUENCE THE OUTCOME OF ANY COMPETITION THAT IS THE SUBJECT OF PARI-MUTUEL WAGERING. FELONY.

GENERAL CRIMINAL VOLUME

MAY 2024

N.C. Gen. Stat. § 18C-1020(c)

237.57 KNOWINGLY ATTEMPTING TO [SUBORN] [COLLUDE] [OTHERWISE CONSPIRE] TO INFLUENCE THE OUTCOME OF ANY COMPETITION THAT IS THE SUBJECT OF PARI-MUTUEL WAGERING. FELONY.

The defendant has been charged with knowingly attempting to [suborn] [collude] [otherwise conspire] to influence the outcome of any competition that is the subject of pari-mutuel wagering.¹

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant attempted to [suborn] [collude] [otherwise conspire] to influence the outcome of [any competition] [aspect of any competition] that is the subject of pari-mutuel wagering.²

And Second, that the defendant did so knowingly.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly [attempted to [suborn] [collude] [otherwise conspire] to influence the outcome of [any competition] [aspect of any competition] that is the subject of pari-mutuel wagering, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

1. N.C. Gen. Stat. § 18C-1020(e) provides that “[n]othing in this Article shall be construed to allow the ADW licensee to be charged with a violation of subsection (a) or (c) of this section absent actual notice and knowledge that a person is under age or giving false information.”

2. A pari-mutuel wager or pari-mutuel wagering is defined as “[a] form of wagering on the outcome of horse races, whether live or simulcast, in which wagers are made on one or more horses and all wagers are pooled and held by the host of the race or the ADW licensee for distribution.” N.C. Gen. Stat. § 18C-1001(3).

N.C.P.I.—Crim. 237.58
WILLFULLY [FURNISHING] [SUPPLYING] [OTHERWISE GIVING] FALSE
INFORMATION ON AN ADVANCED DEPOSIT WAGERING (ADW) LICENSE
APPLICATION. FELONY.
GENERAL CRIMINAL VOLUME
MAY 2024
N.C. Gen. Stat. § 18C-1020(d)

237.58 WILLFULLY [FURNISHING] [SUPPLYING] [OTHERWISE GIVING]
FALSE INFORMATION ON AN ADVANCED DEPOSIT WAGERING (ADW)
LICENSE APPLICATION. FELONY.

The defendant has been charged with willfully [furnishing] [supplying]
[otherwise giving] false information on an advanced deposit wagering (ADW)
license application.

For you to find the defendant guilty of this offense, the State must prove
two things beyond a reasonable doubt:

First, that the defendant applied to become an advanced deposit
wagering (ADW) licensee.¹

And Second, that the defendant willfully [furnished] [supplied]
[otherwise gave] false information on the license application.

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date, that the defendant applied to become an advanced
deposit wagering (ADW) licensee and that the defendant willfully [furnished]
[supplied] [otherwise gave] false information on the license application, it
would be your duty to return a verdict of guilty. If you do not so find or have
a reasonable doubt as to one or both of these things, it would be your duty to
return a verdict of not guilty.

1. An ADW licensee is defined as “[a]ny person or entity licensed by the Commission
in accordance with this Article.” N.C. Gen. Stat. § 18C-1001(2).

N.C.P.I.—Crim. 238.10
DISSEMINATING OBSCENITY INTENTIONALLY (PHYSICAL TRANSFERS).
FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT MARCH 2024
N.C. Gen. Stat. § 14-190.1(a)(1), (3)

238.10 DISSEMINATING OBSCENITY INTENTIONALLY (PHYSICAL
TRANSFERS). FELONY.

The defendant has been charged with disseminating obscenity intentionally.

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt:

First, that the defendant was a [person 18 years or older] [firm] [corporation].

Second, that the defendant intentionally¹ disseminated material by:

- a) [selling] [offering to sell] [agreeing to sell]
- b) [delivering] [offering to deliver] [agreeing to deliver]
- c) [providing] [offering to provide] [agreeing to provide]
- d) [publishing] [exhibiting] [making available]

any [writing] [picture] [record] [representation or embodiment].

Third, that the material was obscene. Material is obscene if when judged with reference to ordinary adults:

a. The average person applying contemporary community standards would find that the material depicts or describes sexual conduct in a patently offensive way (*define sexual conduct pertinent to the case as set out by the statute*).² Material is patently offensive when, taken as a whole, it affronts contemporary community standards relating to the description or representation of sexual matters.

b. And, the average person applying contemporary community standards relating to the depiction or description of sexual matters would find

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DISSEMINATING OBSCENITY INTENTIONALLY (PHYSICAL TRANSFERS).
FELONY.
GENERAL CRIMINAL VOLUME
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N.C. Gen. Stat. § 14-190.1(a)(1), (3)

that the material taken as a whole appeals to the prurient interest in sex. A prurient interest is an unhealthy, abnormal, lascivious, shameful or morbid sexual interest.

Contemporary community standards must be interpreted as the current standards here in this community.³ Both of these tests of obscenity that I have related to you must be considered and judged with reference to the average adult in this community, rather than the most tolerant or the most prudish.

The obscene character of the materials, if any, may be determined by you, based on the viewing of the alleged obscene material. In addition to considering all of the evidence presented, a juror is entitled to draw on *his* or her understanding and knowledge of the views of the average adult person in this community and of the tolerance of the average adult person in this community in making the required determinations which are necessary for the resolution of this case.

In determining whether certain material is obscene, you should consider the entire [writing] [picture] [record] [representation or embodiment] as a whole and not part by part. You may also consider whether the predominant theme and purpose of the material, when viewed as a whole and not part by part, is an appeal to the prurient interest of the average adult person in this community.

c. And, applying the reasonable person standard, you find that the material taken as a whole lacks serious literary, artistic, political or scientific value.⁴

And Fourth, that the defendant knew the nature and content of the materials⁵ that *he* intentionally disseminated. (It is not necessary that the defendant intended or believed the material to be obscene).

N.C.P.I.—Crim. 238.10
DISSEMINATING OBSCENITY INTENTIONALLY (PHYSICAL TRANSFERS).
FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT MARCH 2024
N.C. Gen. Stat. § 14-190.1(a)(1), (3)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was a [person 18 years or older] [firm] [corporation], that the defendant intentionally disseminated obscene material by

- a) [selling] [offering to sell] [agreeing to sell]
- b) [delivering] [offering to deliver] [agreeing to deliver]
- c) [providing] [offering to provide] [agreeing to provide]
- d) [publishing] [exhibiting] [making available]

any [writing] [picture] [record] [representation or embodiment], and that the defendant knew the nature and contents of the material, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. See N.C.P.I.—Crim. 120.10.

2. N.C. Gen. Stat. § 14-190.1(c) defines “sexual conduct” as “(1) vaginal, anal or oral intercourse, whether actual or simulated, normal or perverted; or (2) masturbation, excretory functions, or lewd exhibition of uncovered genitals; or (3) an act or condition that depicts torture, physical restraint by being fettered or bound, or flagellation of or by a nude person or a person clad in undergarments or in revealing or bizarre costume.”

3. See *S. v. Mayes*, 323 N.C. 159 (1988), holding that the trial judge need not specify the geographic limits of the community, nor must the jury reach a consensus as to the community's boundaries.

4. Sections a, b, and c of the third element conform with the three-prong test for obscenity in *Miller v. California*, 413 U.S. 15 (1973), as modified by *Smith v. U.S.*, 431 U.S. 291 (1977) and *Pope v. Illinois*, 481 U.S. 497 (1987).

5. *Smith v. California*, 361 U.S. 147 (1959).

N.C.P.I.—Crim. 238.10.1

DISSEMINATING OBSCENITY INTENTIONALLY IN THE PRESENCE OF A
MINOR (PHYSICAL TRANSFERS). FELONY.

GENERAL CRIMINAL VOLUME

MARCH 2024

N.C. Gen. Stat. § 14-190.1(a)(1), (3) and (g)

238.10.1 DISSEMINATING OBSCENITY INTENTIONALLY IN THE PRESENCE
OF A MINOR (PHYSICAL TRANSFERS). FELONY.

The defendant has been charged with disseminating obscenity intentionally in the presence of a minor.

For you to find the defendant guilty of this offense, the State must prove five things beyond a reasonable doubt:

First, that the defendant was a [person 18 years or older] [firm] [corporation].

Second, that the defendant intentionally¹ disseminated material by:

- a) [selling] [offering to sell] [agreeing to sell]
- b) [delivering] [offering to deliver] [agreeing to deliver]
- c) [providing] [offering to provide] [agreeing to provide]
- d) [publishing] [exhibiting] [making available]

any [writing] [picture] [record] [representation or embodiment].

Third, that the material was obscene. Material is obscene if when judged with reference to ordinary adults:

a. The average person applying contemporary community standards would find that the material depicts or describes sexual conduct in a patently offensive way (*define sexual conduct pertinent to the case as set out by the statute*).² Material is patently offensive when, taken as a whole, it affronts contemporary community standards relating to the description or representation of sexual matters.

b. And, the average person applying contemporary community standards relating to the depiction or description of sexual matters would find

N.C.P.I.—Crim. 238.10.1

DISSEMINATING OBSCENITY INTENTIONALLY IN THE PRESENCE OF A
MINOR (PHYSICAL TRANSFERS). FELONY.

GENERAL CRIMINAL VOLUME

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N.C. Gen. Stat. § 14-190.1(a)(1), (3) and (g)

that the material taken as a whole appeals to the prurient interest in sex. A prurient interest is an unhealthy, abnormal, lascivious, shameful or morbid sexual interest.

Contemporary community standards must be interpreted as the current standards here in this community.³ Both of these tests of obscenity that I have related to you must be considered and judged with reference to the average adult in this community, rather than the most tolerant or the most prudish.

The obscene character of the materials, if any, may be determined by you, based on the viewing of the alleged obscene material. In addition to considering all of the evidence presented, a juror is entitled to draw on *his* or her understanding and knowledge of the views of the average adult person in this community and of the tolerance of the average adult person in this community in making the required determinations which are necessary for the resolution of this case.

In determining whether certain material is obscene, you should consider the entire [writing] [picture] [record] [representation or embodiment] as a whole and not part by part. You may also consider whether the predominant theme and purpose of the material, when viewed as a whole and not part by part, is an appeal to the prurient interest of the average adult person in this community.

c. And, applying the reasonable person standard, you find that the material taken as a whole lacks serious literary, artistic, political or scientific value.⁴

Fourth, that the defendant knew the nature and content of the materials⁵ that *he* intentionally disseminated. (It is not necessary that the defendant intended or believed the material to be obscene).

N.C.P.I.—Crim. 238.10.1

DISSEMINATING OBSCENITY INTENTIONALLY IN THE PRESENCE OF A
MINOR (PHYSICAL TRANSFERS). FELONY.

GENERAL CRIMINAL VOLUME

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N.C. Gen. Stat. § 14-190.1(a)(1), (3) and (g)

And Fifth, that the defendant knowingly did so in the presence of a minor under 18 years of age.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date that the defendant was a [person 18 years or older] [firm] [corporation], that the defendant intentionally disseminated obscene material by

- a) [selling] [offering to sell] [agreeing to sell]
- b) [delivering] [offering to deliver] [agreeing to deliver]
- c) [providing] [offering to provide] [agreeing to provide]
- d) [publishing] [exhibiting] [making available]

any [writing] [picture] [record] [representation or embodiment], that the defendant knew the nature and contents of the material, and that the defendant knowingly did so in the presence of a minor under 18 years of age, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. See N.C.P.I.—Crim. 120.10.

2. N.C. Gen. Stat. § 14-190.1(c) defines “sexual conduct” as “(1) vaginal, anal or oral intercourse, whether actual or simulated, normal or perverted; or (2) masturbation, excretory functions, or lewd exhibition of uncovered genitals; or (3) an act or condition that depicts torture, physical restraint by being fettered or bound, or flagellation of or by a nude person or a person clad in undergarments or in revealing or bizarre costume.”

3. See *S. v. Mayes*, 323 N.C. 159 (1988), holding that the trial judge need not specify the geographic limits of the community, nor must the jury reach a consensus as to the community's boundaries.

4. Sections a, b, and c of the third element conform with the three-prong test for obscenity in *Miller v. California*, 413 U.S. 15 (1973), as modified by *Smith v. U.S.*, 431 U.S. 291 (1977) and *Pope v. Illinois*, 481 U.S. 497 (1987).

5. *Smith v. California*, 361 U.S. 147 (1959).

N.C.P.I.—Crim. 238.10A
DISSEMINATING OBSCENITY INTENTIONALLY (LIVE PERFORMANCES).
FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT MARCH 2024
N.C. Gen. Stat. § 14-190.1(a)(2)

238.10A DISSEMINATING OBSCENITY INTENTIONALLY (LIVE PERFORMANCES). FELONY.

The defendant has been charged with disseminating obscenity intentionally.

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt:

First, that the defendant was a [person 18 years or older] [firm] [corporation].

Second, that the defendant intentionally¹ disseminated obscenity by [[presenting] [directing] a [play] [dance] [performance]] (or) [participating directly in that portion of a [play] [dance] [performance] which makes it obscene].

Third, that the performance the defendant disseminated was obscene. Material is obscene when judged with reference to ordinary adults:

a. The average person applying contemporary community standards would find that the material depicts or describes sexual conduct in a patently offensive way (*define sexual conduct pertinent to the case as set out by the statute*).² Material is patently offensive when, taken as a whole, it affronts contemporary community standards relating to the description or representation of sexual matters.

b. And, the average person applying contemporary community standards relating to the depiction or description of sexual matters would find that the material taken as a whole appeals to the prurient interest in sex. A prurient interest is an unhealthy, abnormal, lascivious, shameful or morbid sexual interest.

N.C.P.I.—Crim. 238.10A
DISSEMINATING OBSCENITY INTENTIONALLY (LIVE PERFORMANCES).
FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT MARCH 2024
N.C. Gen. Stat. § 14-190.1(a)(2)

Contemporary community standards must be interpreted as the current standards here in your community.³ Both of these tests of obscenity that I have related to you must be considered and judged with reference to the average adult in this community, rather than the most tolerant or the most prudish.

The obscene character of the performances, if any, may be determined by you based on the viewing of the alleged obscene performance. In addition to considering all of the evidence presented, you are entitled to draw on your understanding and knowledge of the views of the average adult person in this community and of the tolerance of the average adult person in this community in making the required determinations which are necessary for the resolution of this case.

In determining whether a certain performance is obscene, you should consider the entire performance as a whole and not part by part. You may also consider whether the predominant theme and purpose of the performance, when viewed as a whole and not part by part, is an appeal to the prurient interest of the average adult person in your community.

c. And, applying the reasonable person standard, you find that the performance, taken as a whole, lacks serious literary, artistic, political or scientific value.⁴

And Fourth, that the defendant knew the nature and content of the performance⁵ that *he* intentionally disseminated. (It is not necessary that the defendant intended or believed the performance to be obscene.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was a [person 18 years or older] [firm] [corporation], that the defendant intentionally disseminated obscenity by

N.C.P.I.—Crim. 238.10A
DISSEMINATING OBSCENITY INTENTIONALLY (LIVE PERFORMANCES).
FELONY.
GENERAL CRIMINAL VOLUME
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N.C. Gen. Stat. § 14-190.1(a)(2)

[[presenting] [directing] an obscene [play] [dance] [other performance]] (or [[participating directly in that portion of a [play] [dance] [other performance] which makes it obscene], that the performance was obscene; and that the defendant knew the nature and content of the performance, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. For definition of intentionally see N.C.P.I.—Crim. 120.10.

2. N.C. Gen. Stat. § 14-190.1(c) defines “sexual conduct” as “(1) vaginal, anal or oral intercourse, whether actual or simulated, normal or perverted; or (2) masturbation, excretory functions, or lewd exhibition of uncovered genitals; or (3) an act or condition that depicts torture, physical restraint by being fettered or bound, or flagellation of or by a nude person or a person clad in undergarments or in revealing or bizarre costume.”

3. See *S. v. Mayes*, 323 N.C. 159 (1988), holding that the trial judge need not specify the geographic limits of the community, nor must the jury reach a consensus as to the community's boundaries.

4. Sections a, b, and c of the third element conform with the three-prong test for obscenity in *Miller v. California*, 413 U.S. 15 (1973), as modified by *Smith v. U.S.*, 431 U.S. 291 (1977) and *Pope v. Illinois*, 107 S.Ct. 1918 (1987).

5. *Smith v. California*, 361 U.S. 147 (1959).

N.C.P.I.—Crim. 238.10A.1
DISSEMINATING OBSCENITY INTENTIONALLY IN THE PRESENCE OF A
MINOR (LIVE PERFORMANCES). FELONY.
GENERAL CRIMINAL VOLUME
MARCH 2024
N.C. Gen. Stat. § 14-190.1(a)(2) and (g)

238.10A.1 DISSEMINATING OBSCENITY INTENTIONALLY IN THE PRESENCE
OF A MINOR (LIVE PERFORMANCES). FELONY.

The defendant has been charged with disseminating obscenity intentionally in the presence of a minor.

For you to find the defendant guilty of this offense, the State must prove five things beyond a reasonable doubt:

First, that the defendant was a [person 18 years or older] [firm] [corporation].

Second, that the defendant intentionally¹ disseminated obscenity by [[presenting] [directing] a [play] [dance] [performance]] (or) [participating directly in that portion of a [play] [dance] [performance] which makes it obscene].

Third, that the performance the defendant disseminated was obscene. Material is obscene when judged with reference to ordinary adults:

a. The average person applying contemporary community standards would find that the material depicts or describes sexual conduct in a patently offensive way (*define sexual conduct pertinent to the case as set out by the statute*).² Material is patently offensive when, taken as a whole, it affronts contemporary community standards relating to the description or representation of sexual matters.

b. And, the average person applying contemporary community standards relating to the depiction or description of sexual matters would find that the material taken as a whole appeals to the prurient interest in sex. A prurient interest is an unhealthy, abnormal, lascivious, shameful or morbid sexual interest.

N.C.P.I.—Crim. 238.10A.1

DISSEMINATING OBSCENITY INTENTIONALLY IN THE PRESENCE OF A
MINOR (LIVE PERFORMANCES). FELONY.

GENERAL CRIMINAL VOLUME

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N.C. Gen. Stat. § 14-190.1(a)(2) and (g)

Contemporary community standards must be interpreted as the current standards here in your community.³ Both of these tests of obscenity that I have related to you must be considered and judged with reference to the average adult in this community, rather than the most tolerant or the most prudish.

The obscene character of the performances, if any, may be determined by you based on the viewing of the alleged obscene performance. In addition to considering all of the evidence presented, you are entitled to draw on your understanding and knowledge of the views of the average adult person in this community and of the tolerance of the average adult person in this community in making the required determinations which are necessary for the resolution of this case.

In determining whether a certain performance is obscene, you should consider the entire performance as a whole and not part by part. You may also consider whether the predominant theme and purpose of the performance, when viewed as a whole and not part by part, is an appeal to the prurient interest of the average adult person in your community.

c. And, applying the reasonable person standard, you find that the performance, taken as a whole, lacks serious literary, artistic, political or scientific value.⁴

Fourth, that the defendant knew the nature and content of the performance⁵ that *he* intentionally disseminated. (It is not necessary that the defendant intended or believed the performance to be obscene.)

And Fifth, that the defendant knowingly did so in the presence of a minor under 18 years of age.

N.C.P.I.—Crim. 238.10A.1

DISSEMINATING OBSCENITY INTENTIONALLY IN THE PRESENCE OF A
MINOR (LIVE PERFORMANCES). FELONY.

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N.C. Gen. Stat. § 14-190.1(a)(2) and (g)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was a [person 18 years or older] [firm] [corporation], that the defendant intentionally disseminated obscenity by [[presenting] [directing] an obscene [play] [dance] [other performance]] (or) [[participating directly in that portion of a [play] [dance] [other performance] which makes it obscene], that the performance was obscene, that the defendant knew the nature and content of the performance, and that defendant did so knowingly in the presence of a minor under 18 years of age, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. For definition of intentionally see N.C.P.I.—Crim. 120.10.

2. N.C. Gen. Stat. § 14-190.1(c) defines “sexual conduct” as “(1) vaginal, anal or oral intercourse, whether actual or simulated, normal or perverted; or (2) masturbation, excretory functions, or lewd exhibition of uncovered genitals; or (3) an act or condition that depicts torture, physical restraint by being fettered or bound, or flagellation of or by a nude person or a person clad in undergarments or in revealing or bizarre costume.”

3. See *S. v. Mayes*, 323 N.C. 159 (1988), holding that the trial judge need not specify the geographic limits of the community, nor must the jury reach a consensus as to the community's boundaries.

4. Sections a, b, and c of the third element conform with the three-prong test for obscenity in *Miller v. California*, 413 U.S. 15 (1973), as modified by *Smith v. U.S.*, 431 U.S. 291 (1977) and *Pope v. Illinois*, 107 S.Ct. 1918 (1987).

5. *Smith v. California*, 361 U.S. 147 (1959).

N.C.P.I.—Crim. 238.10B
DISSEMINATING OBSCENITY INTENTIONALLY (TRANSMISSIONS OR
DELIVERIES OF ACTUAL IMAGES—NOT DRAWINGS). FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT MARCH 2024
N.C. Gen. Stat. § 14-190.1(a)(4)

238.10B DISSEMINATING OBSCENITY INTENTIONALLY (TRANSMISSIONS
OR DELIVERIES OF ACTUAL IMAGES—NOT DRAWINGS). FELONY.

The defendant has been charged with disseminating obscenity intentionally.

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt:

First, that the defendant was a [person 18 years or older] [firm] [corporation].

Second, that the defendant intentionally¹ disseminated material by:

- a. [exhibiting] [offering to exhibit] [agreeing to exhibit]
- b. [presenting] [offering to present] [agreeing to present]
- c. [renting] [offering to rent] [agreeing to rent]
- d. [selling]
- e. [delivering]
- f. [providing] [offering to provide] [agreeing to provide] any
 1. [still (or) motion picture] [film] [filmstrip] [projection slide];
 2. [sound recording] [sound tape] [sound track];
 3. [matter or material of whatever form which is a representation, embodiment, performance, or publication].

Third, that the [material] [performance] the defendant disseminated was obscene. [Material] [A performance] is obscene when judged with reference to ordinary adults:

- a. The average person applying contemporary community standards would find that the [material] [performance] depicts or describes sexual

N.C.P.I.—Crim. 238.10B
DISSEMINATING OBSCENITY INTENTIONALLY (TRANSMISSIONS OR
DELIVERIES OF ACTUAL IMAGES—NOT DRAWINGS). FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT MARCH 2024
N.C. Gen. Stat. § 14-190.1(a)(4)

conduct² in a patently offensive way (*define sexual conduct pertinent to the case as set out by the statute*). [Material] [A performance] is patently offensive when, taken as a whole, it affronts contemporary community standards relating to the description or representation of sexual matters.

b. And, the average person applying contemporary community standards relating to the depiction or description of sexual matters would find that the [material] [performance] taken as a whole appeals to the prurient interest in sex. A prurient interest is an unhealthy, abnormal, lascivious, shameful or morbid sexual interest.

Contemporary community standards must be interpreted as the current standards here in your community.³ Both of these tests of obscenity that I have related to you must be considered and judged with reference to the average adult in this community, rather than the most tolerant or the most prudish.

The obscene character of the [materials] [performances], if any, may be determined by you based on the viewing of the alleged obscene material. In addition to considering all of the evidence presented, you are entitled to draw on your understanding and knowledge of the views of the average adult person in this community and of the tolerance of the average adult person in this community in making the required determinations which are necessary for the resolution of this case.

In determining whether certain [material] [performance] is obscene, you should consider it as a whole and not part by part. You may also consider whether the predominant theme and purpose, when viewed as a whole and not part by part, is an appeal to the prurient interest of the average adult person in your community.

N.C.P.I.—Crim. 238.10B
DISSEMINATING OBSCENITY INTENTIONALLY (TRANSMISSIONS OR
DELIVERIES OF ACTUAL IMAGES—NOT DRAWINGS). FELONY.
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c. And, applying the reasonable person standard, you find that the [material] [performance] taken as a whole lacks serious literary, artistic, political or scientific value.⁴

And Fourth, that the defendant knew the nature and content of the [materials] [performances]⁵ that *he* intentionally disseminated. (It is not necessary that the defendant intended or believed the [material] [performance] to be obscene.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was a [person 18 years or older] [firm] [corporation], that the defendant intentionally disseminated obscene material by

- a. [exhibiting] [offering to exhibit] [agreeing to exhibit]
- b. [presenting] [offering to present] [agreeing to present]
- c. [renting] [offering to rent] [agreeing to rent]
- d. [selling]
- e. [delivering]
- f. [providing] [offering to provide] [agreeing to provide] any
 1. [still (or) motion picture] [film] [filmstrip] [projection slide];
 2. [sound recording] [sound tape] [sound track];
 3. [any matter or material of whatever form which is a representation, embodiment, performance or publication],

that the [material] [performance] disseminated by the defendant was obscene, and that the defendant knew the nature and content of the [material] [performance], it would be your duty to return a verdict of guilty. If you do

N.C.P.I.—Crim. 238.10B
DISSEMINATING OBSCENITY INTENTIONALLY (TRANSMISSIONS OR
DELIVERIES OF ACTUAL IMAGES—NOT DRAWINGS). FELONY.
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REPLACEMENT MARCH 2024
N.C. Gen. Stat. § 14-190.1(a)(4)

not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1 For definition of intentionally see N.C.P.I.—Crim. 120.10.

2 N.C. Gen. Stat. § 14-190.1(c) defines “sexual conduct” as “(1) vaginal, anal or oral intercourse, whether actual or simulated, normal or perverted; or (2) masturbation, excretory functions, or lewd exhibition of uncovered genitals; or (3) an act or condition that depicts torture, physical restraint by being fettered or bound, or flagellation of or by a nude person or a person clad in undergarments or in revealing or bizarre costume.”

3 See *S. v. Mayes*, 323 N.C. 159 (1988), holding that the trial judge need not specify the geographic limits of the community, nor must the jury reach a consensus as to the community's boundaries.

4 Sections a, b, and c of the third element conform with the three-prong test for obscenity in *Miller v. California*, 413 U.S. 15 (1973), as modified by *Smith v. U.S.*, 431 U.S. 291 (1977) and *Pope v. Illinois*, 107 S.Ct. 1918 (1987).

5 *Smith v. California*, 361 U.S. 147 (1959).

N.C.P.I.—Crim. 238.10B.1

DISSEMINATING OBSCENITY INTENTIONALLY IN THE PRESENCE OF A MINOR (TRANSMISSIONS OR DELIVERIES OF ACTUAL IMAGES—NOT DRAWINGS). FELONY.

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238.10B.1 DISSEMINATING OBSCENITY INTENTIONALLY IN THE PRESENCE OF A MINOR (TRANSMISSIONS OR DELIVERIES OF ACTUAL IMAGES—NOT DRAWINGS). FELONY.

The defendant has been charged with disseminating obscenity intentionally in the presence of a minor.

For you to find the defendant guilty of this offense, the State must prove five things beyond a reasonable doubt:

First, that the defendant was a [person 18 years or older] [firm] [corporation].

Second, that the defendant intentionally¹ disseminated material by:

- a. [exhibiting] [offering to exhibit] [agreeing to exhibit]
- b. [presenting] [offering to present] [agreeing to present]
- c. [renting] [offering to rent] [agreeing to rent]
- d. [selling]
- e. [delivering]
- f. [providing] [offering to provide] [agreeing to provide] any
 1. [still (or) motion picture] [film] [filmstrip] [projection slide];
 2. [sound recording] [sound tape] [sound track];
 3. [matter or material of whatever form which is a representation, embodiment, performance, or publication].

Third, that the [material] [performance] the defendant disseminated was obscene. [Material] [A performance] is obscene when judged with reference to ordinary adults:

N.C.P.I.—Crim. 238.10B.1

DISSEMINATING OBSCENITY INTENTIONALLY IN THE PRESENCE OF A
MINOR (TRANSMISSIONS OR DELIVERIES OF ACTUAL IMAGES—NOT
DRAWINGS). FELONY.

GENERAL CRIMINAL VOLUME

MARCH 2024

N.C. Gen. Stat. § 14-190.1(a)(4) and (g)

a. The average person applying contemporary community standards would find that the [material] [performance] depicts or describes sexual conduct² in a patently offensive way (*define sexual conduct pertinent to the case as set out by the statute*). [Material] [A performance] is patently offensive when, taken as a whole, it affronts contemporary community standards relating to the description or representation of sexual matters.

b. And, the average person applying contemporary community standards relating to the depiction or description of sexual matters would find that the [material] [performance] taken as a whole appeals to the prurient interest in sex. A prurient interest is an unhealthy, abnormal, lascivious, shameful or morbid sexual interest.

Contemporary community standards must be interpreted as the current standards here in your community.³ Both of these tests of obscenity that I have related to you must be considered and judged with reference to the average adult in this community, rather than the most tolerant or the most prudish.

The obscene character of the [materials] [performances], if any, may be determined by you based on the viewing of the alleged obscene material. In addition to considering all of the evidence presented, you are entitled to draw on your understanding and knowledge of the views of the average adult person in this community and of the tolerance of the average adult person in this community in making the required determinations which are necessary for the resolution of this case.

In determining whether certain [material] [performance] is obscene, you should consider it as a whole and not part by part. You may also consider whether the predominant theme and purpose, when viewed as a whole and

N.C.P.I.—Crim. 238.10B.1

DISSEMINATING OBSCENITY INTENTIONALLY IN THE PRESENCE OF A
MINOR (TRANSMISSIONS OR DELIVERIES OF ACTUAL IMAGES—NOT
DRAWINGS). FELONY.

GENERAL CRIMINAL VOLUME

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N.C. Gen. Stat. § 14-190.1(a)(4) and (g)

not part by part, is an appeal to the prurient interest of the average adult
person in your community.

c. And, applying the reasonable person standard, you find that the
[material] [performance] taken as a whole lacks serious literary, artistic,
political or scientific value.⁴

Fourth, that the defendant knew the nature and content of the
[materials] [performances]⁵ that *he* intentionally disseminated. (It is not
necessary that the defendant intended or believed the [material]
[performance] to be obscene.)

And Fifth, that the defendant knowingly did so in the presence of a minor
under 18 years of age.

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date the defendant was a [person 18 years or older] [firm]
[corporation], that the defendant intentionally disseminated obscene material
by

- a. [exhibiting] [offering to exhibit] [agreeing to exhibit]
- b. [presenting] [offering to present] [agreeing to present]
- c. [renting] [offering to rent] [agreeing to rent]
- d. [selling]
- e. [delivering]
- f. [providing] [offering to provide] [agreeing to provide] any
 - 1. [still (or) motion picture] [film] [filmstrip] [projection
slide];
 - 2. [sound recording] [sound tape] [sound track];

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3. [any matter or material of whatever form which is a representation, embodiment, performance or publication],

that the [material] [performance] disseminated by the defendant was obscene, that the defendant knew the nature and content of the [material] [performance], and that defendant knowingly did so in the presence of a minor under 18 years of age, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. For definition of intentionally see N.C.P.I.—Crim. 120.10.

2. N.C. Gen. Stat. § 14-190.1(c) defines “sexual conduct” as “(1) vaginal, anal or oral intercourse, whether actual or simulated, normal or perverted; or (2) masturbation, excretory functions, or lewd exhibition of uncovered genitals; or (3) an act or condition that depicts torture, physical restraint by being fettered or bound, or flagellation of or by a nude person or a person clad in undergarments or in revealing or bizarre costume.”

3. See *S. v. Mayes*, 323 N.C. 159 (1988), holding that the trial judge need not specify the geographic limits of the community, nor must the jury reach a consensus as to the community's boundaries.

4. Sections a, b, and c of the third element conform with the three-prong test for obscenity in *Miller v. California*, 413 U.S. 15 (1973), as modified by *Smith v. U.S.*, 431 U.S. 291 (1977) and *Pope v. Illinois*, 107 S.Ct. 1918 (1987).

5. *Smith v. California*, 361 U.S. 147 (1959).

N.C.P.I.—Crim. 238.11
CREATING, BUYING, PROCURING, OR POSSESSING OBSCENE MATERIAL
WITH THE INTENT TO DISSEMINATE. FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT MARCH 2024
N.C. Gen. Stat. § 14-190.1(e)

238.11 CREATING, BUYING, PROCURING, OR POSSESSING OBSCENE
MATERIAL WITH THE INTENT TO DISSEMINATE. FELONY.

The defendant has been charged with [creating] [buying] [procuring]
[possessing] obscene material, with the intent to disseminate.

For you to find the defendant guilty of this offense, the State must prove
three things beyond a reasonable doubt:

First, that the defendant was a [person 18 years or older] [firm]
[corporation].

Second, that the defendant knowingly [created] [bought] [procured]
[possessed] obscene material.

Material is obscene when judged with reference to ordinary adults:

a. The average person applying contemporary community standards
would find that the material depicts or describes sexual conduct in a patently
offensive way (*define sexual conduct pertinent to the case as set out by the
statute*¹). Material is patently offensive when, taken as a whole, it affronts
contemporary community standards relating to the description or
representation of sexual matters.

b. And, the average person applying contemporary community
standards relating to the depiction or description of sexual matters would find
that the material taken as a whole appeals to the prurient interest in sex. A
prurient interest is an unhealthy, abnormal, lascivious, shameful or morbid
sexual interest.

Contemporary community standards must be interpreted as the current
standards here in your community.² Both of these tests of obscenity that I
have related to you must be considered and judged with reference to the

N.C.P.I.—Crim. 238.11

CREATING, BUYING, PROCURING, OR POSSESSING OBSCENE MATERIAL
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N.C. Gen. Stat. § 14-190.1(e)

average adult in this community, rather than the most tolerant or the most prudish.

The obscene character of the materials, if any, may be determined by you, based on the viewing of the alleged obscene material. In addition to considering all of the evidence presented, you are entitled to draw on your understanding and knowledge of the views of the average adult person in this community and of the tolerance of the average adult person in this community in making the required determinations which are necessary for the resolution of this case.

In determining whether certain material is obscene, you should consider the entire (*describe material, e.g., "film"*) as a whole and not part by part. You may also consider whether the predominant theme and purpose of the material, when viewed as a whole and not part by part, is an appeal to the prurient interest of the average adult person in your community.

c. And, applying the reasonable person standard, you find that the material taken as a whole lacks serious literary, artistic, political or scientific value.³

And Third, that the defendant acted with the purpose and intent⁴ of disseminating the obscene material unlawfully, and that the defendant knew the nature and content of the material.⁵ (It is not necessary that *he* intended or believed the material to be obscene.)

Material is disseminated by:

- a. [selling] [offering to sell] [agreeing to sell]
- b. [delivering] [offering to deliver] [agreeing to deliver]
- c. [providing] [offering to provide] [agreeing to provide]

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CREATING, BUYING, PROCURING, OR POSSESSING OBSCENE MATERIAL
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d. [presenting] [directing] a [play] [dance] [performance] or
[participating directly in that portion of a [play] [dance]
[performance] which makes it obscene]

e. [publishing] [exhibiting] or [making available]

- f.
1. [exhibiting] [offering to exhibit] [agreeing to exhibit]
 2. [presenting] [offering to present] [agreeing to present]
 3. [renting] [offering to rent] [agreeing to rent]
 4. [selling] [offering to sell] [agreeing to sell]
 5. [delivering] [offering to deliver] [agreeing to deliver]
 6. [providing] [offering to provide] [agreeing to provide]

any [writing] [picture] [record] [representation or embodiment] [still
(or) motion picture] [film] [filmstrip] [projection slide] [sound recording]
[sound tape] [sound track].

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date the defendant was a [person 18 years or older] [firm]
[corporation], that the defendant knowingly [created] [bought] [procured]
[possessed] obscene material and that the defendant acted intentionally with
the purpose of disseminating such obscene material unlawfully, it would be
your duty to return a verdict of guilty. If you do not so find or have a
reasonable doubt as to one or more of these things, it would be your duty to
return a verdict of not guilty.

*NOTE WELL: Simple possession or purchase of obscenity does not
violate the statute. A violation occurs when the possession or the
purchase is with the intent and for the purpose of disseminating
obscenity.*

N.C.P.I.—Crim. 238.11

CREATING, BUYING, PROCURING, OR POSSESSING OBSCENE MATERIAL
WITH THE INTENT TO DISSEMINATE. FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT MARCH 2024

N.C. Gen. Stat. § 14-190.1(e)

1. N.C. Gen. Stat. § 14-190.1(c) defines “sexual conduct” as “(1) vaginal, anal or oral intercourse, whether actual or simulated, normal or perverted; or (2) masturbation, excretory functions, or lewd exhibition of uncovered genitals; or (3) an act or condition that depicts torture, physical restraint by being fettered or bound, or flagellation of or by a nude person or a person clad in undergarments or in revealing or bizarre costume.”

2. See *S. v. Mayes*, 323 N.C. 159 (1988), holding that the trial judge need not specify the geographic limits of the community, nor must the jury reach a consensus as to the community's boundaries.

3. Sections a, b, and c of the second element conform with the three-prong test for obscenity in *Miller v. California*, 413 U.S. 15 (1973), as modified by *Smith v. U.S.*, 431 U.S. 291 (1977) and *Pope v. Illinois*, 107 S.Ct. 1918 (1987).

4. For further definition of intent, see N.C.P.I.—Crim. 120.10.

5. *Smith v. California*, 361 U.S. 147 (1959).

N.C.P.I.—Crim. 238.11.1
CREATING, BUYING, PROCURING, OR POSSESSING OBSCENE MATERIAL
WITH THE INTENT TO DISSEMINATE IN THE PRESENCE OF A MINOR.
FELONY.
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238.11.1 CREATING, BUYING, PROCURING, OR POSSESSING OBSCENE
MATERIAL WITH THE INTENT TO DISSEMINATE IN THE PRESENCE OF A
MINOR. FELONY.

The defendant has been charged with [creating] [buying] [procuring]
[possessing] obscene material, with the intent to disseminate in the presence
of a minor.

For you to find the defendant guilty of this offense, the State must prove
four things beyond a reasonable doubt:

First, that the defendant was a [person 18 years or older] [firm]
[corporation].

Second, that the defendant knowingly [created] [bought] [procured]
[possessed] obscene material.

Material is obscene when judged with reference to ordinary adults:

a. The average person applying contemporary community standards
would find that the material depicts or describes sexual conduct in a patently
offensive way (*define sexual conduct pertinent to the case as set out by the
statute*¹). Material is patently offensive when, taken as a whole, it affronts
contemporary community standards relating to the description or
representation of sexual matters.

b. And, the average person applying contemporary community
standards relating to the depiction or description of sexual matters would find
that the material taken as a whole appeals to the prurient interest in sex. A
prurient interest is an unhealthy, abnormal, lascivious, shameful or morbid
sexual interest.

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CREATING, BUYING, PROCURING, OR POSSESSING OBSCENE MATERIAL
WITH THE INTENT TO DISSEMINATE IN THE PRESENCE OF A MINOR.
FELONY.

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N.C. Gen. Stat. § 14-190.1(e) and (g)

Contemporary community standards must be interpreted as the current standards here in your community.² Both of these tests of obscenity that I have related to you must be considered and judged with reference to the average adult in this community, rather than the most tolerant or the most prudish.

The obscene character of the materials, if any, may be determined by you, based on the viewing of the alleged obscene material. In addition to considering all of the evidence presented, you are entitled to draw on your understanding and knowledge of the views of the average adult person in this community and of the tolerance of the average adult person in this community in making the required determinations which are necessary for the resolution of this case.

In determining whether certain material is obscene, you should consider the entire (*describe material, e.g., "film"*) as a whole and not part by part. You may also consider whether the predominant theme and purpose of the material, when viewed as a whole and not part by part, is an appeal to the prurient interest of the average adult person in your community.

c. And, applying the reasonable person standard, you find that the material taken as a whole lacks serious literary, artistic, political or scientific value.³

Third, that the defendant acted with the purpose and intent⁴ of disseminating the obscene material unlawfully, and that the defendant knew the nature and content of the material.⁵ (It is not necessary that *he* intended or believed the material to be obscene.)

Material is disseminated by:

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CREATING, BUYING, PROCURING, OR POSSESSING OBSCENE MATERIAL
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FELONY.

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- a. [selling] [offering to sell] [agreeing to sell]
- b. [delivering] [offering to deliver] [agreeing to deliver]
- c. [providing] [offering to provide] [agreeing to provide]
- d. [presenting] [directing] a [play] [dance] [performance] or
[participating directly in that portion of a [play] [dance]
[performance] which makes it obscene]
- e. [publishing] [exhibiting] or [making available]
- f.
 - 1. [exhibiting] [offering to exhibit] [agreeing to exhibit]
 - 2. [presenting] [offering to present] [agreeing to present]
 - 3. [renting] [offering to rent] [agreeing to rent]
 - 4. [selling] [offering to sell] [agreeing to sell]
 - 5. [delivering] [offering to deliver] [agreeing to deliver]
 - 6. [providing] [offering to provide] [agreeing to provide]

any [writing] [picture] [record] [representation or embodiment] [still
(or) motion picture] [film] [filmstrip] [projection slide] [sound recording]
[sound tape] [sound track].

And Fourth, that the defendant knowingly did so in the presence of a
minor under 18 years of age.

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date the defendant was a [person 18 years or older] [firm]
[corporation], that the defendant knowingly [created] [bought] [procured]
[possessed] obscene material, that the defendant acted intentionally with the
purpose of disseminating such obscene material unlawfully, and that the

N.C.P.I.—Crim. 238.11.1

CREATING, BUYING, PROCURING, OR POSSESSING OBSCENE MATERIAL
WITH THE INTENT TO DISSEMINATE IN THE PRESENCE OF A MINOR.
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defendant knowingly did so in the presence of a minor under 18 years of age,
it would be your duty to return a verdict of guilty. If you do not so find or have
a reasonable doubt as to one or more of these things, it would be your duty
to return a verdict of not guilty.

*NOTE WELL: Simple possession or purchase of obscenity does not
violate the statute. A violation occurs when the possession or the
purchase is with the intent and for the purpose of disseminating
obscenity.*

1. N.C. Gen. Stat. § 14-190.1(c) defines "sexual conduct" as "(1) vaginal, anal or oral
intercourse, whether actual or simulated, normal or perverted; or (2) masturbation, excretory
functions, or lewd exhibition of uncovered genitals; or (3) an act or condition that depicts
torture, physical restraint by being fettered or bound, or flagellation of or by a nude person
or a person clad in undergarments or in revealing or bizarre costume.

2. See *S. v. Mayes*, 323 N.C. 159 (1988), holding that the trial judge need not specify
the geographic limits of the community, nor must the jury reach a consensus as to the
community's boundaries.

3. Sections a, b, and c of the second element conform with the three-prong test for
obscenity in *Miller v. California*, 413 U.S. 15 (1973), as modified by *Smith v. U.S.*, 431 U.S.
291 (1977) and *Pope v. Illinois*, 107 S.Ct. 1918 (1987).

4. For further definition of intent, see N.C.P.I.—Crim. 120.10.

5. *Smith v. California*, 361 U.S. 147 (1959).

N.C.P.I.—Crim. 238.12
ADVERTISING OR PROMOTING SALE OF MATERIAL AS OBSCENE. FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT MARCH 2024
N.C. Gen. Stat. § 14-190.1(f)

238.12 ADVERTISING OR PROMOTING SALE OF MATERIAL AS OBSCENE.
FELONY.

The defendant has been charged with [advertising] [promoting] the sale of material [represented] [held out] by *him* as obscene.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that the defendant was a [person 18 years or older] [firm] [corporation].

Second, that the defendant [advertised] [promoted] the sale of material.

And Third, that the defendant [represented] [held out] the material as obscene.¹ Material is obscene when judged with reference to ordinary adults:

a. The average person applying contemporary community standards would find that the material depicts or describes sexual conduct in a patently offensive way (*define sexual conduct pertinent to the case as set out by the statute*).² Material is patently offensive when, taken as a whole, it affronts contemporary community standards relating to the description or representation of sexual matters.

b. And, the average person applying contemporary community standards relating to the depiction or description of sexual matters would find that the material taken as a whole appeals to the prurient interest in sex. A prurient interest is an unhealthy, abnormal, lascivious, shameful or morbid sexual interest.

Contemporary community standards must be interpreted as the current standards here in your community.³ Both of these tests of obscenity that I have related to you must be considered and judged with reference to the

average adult in this community, rather than the most tolerant or the most prudish.

The obscene character of the materials, if any, may be determined by you, based on the viewing of the alleged obscene material. In addition to considering all of the evidence presented, you are entitled to draw on your understanding and knowledge of the views of the average adult person in this community and of the tolerance of the average adult person in this community in making the required determinations which are necessary for the resolution of this case.

In determining whether certain material as [advertised] [promoted] is obscene, you should consider the entire material as a whole and not part by part. You may also consider whether the predominant theme and purpose of the material, when viewed as a whole and not part by part, is an appeal to the prurient interest of the average adult person in your community.

c. And, applying the reasonable person standard, you find that the [advertisement] [promotion] of the material taken as a whole lacks serious literary, artistic, political or scientific value.⁴

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was a [person 18 years or older] [firm] [corporation], that the defendant [advertised] [promoted] the sale of material, and that the defendant [represented] [held out] that material as obscene, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. N.C. Gen. Stat. § 14-190.1(f) does not require proof that the material advertised or promoted was in fact obscene. All that is necessary is that the defendant represents or holds out the material as obscene.

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ADVERTISING OR PROMOTING SALE OF MATERIAL AS OBSCENE. FELONY.

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N.C. Gen. Stat. § 14-190.1(f)

2. N.C. Gen. Stat. § 14-190.1(c) defines “sexual conduct” as “(1) vaginal, anal or oral intercourse, whether actual or simulated, normal or perverted; or (2) masturbation, excretory functions, or lewd exhibition of uncovered genitals; or (3) an act or condition that depicts torture, physical restraint by being fettered or bound, or flagellation of or by a nude person or a person clad in undergarments or in revealing or bizarre costume.”

3. See *S. v. Mayes*, 323 N.C. 159 (1988), holding that the trial judge need not specify the geographic limits of the community, nor must the jury reach a consensus as to the community's boundaries.

4. Sections a, b, and c of the third element conform with the three-prong test for obscenity in *Miller v. California*, 413 U.S. 15 (1973), as modified by *Smith v. U.S.*, 431 U.S. 291 (1977) and *Pope v. Illinois*, 107 S.Ct. 1918 (1987).

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ADVERTISING OR PROMOTING SALE OF MATERIAL AS OBSCENE IN THE
PRESENCE OF A MINOR. FELONY.
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238.12.1 ADVERTISING OR PROMOTING SALE OF MATERIAL AS OBSCENE
IN THE PRESENCE OF A MINOR. FELONY.

The defendant has been charged with [advertising] [promoting] the sale of material [represented] [held out] by *him* as obscene in the presence of a minor.

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt:

First, that the defendant was a [person 18 years or older] [firm] [corporation].

Second, that the defendant [advertised] [promoted] the sale of material.

Third, that the defendant [represented] [held out] the material as obscene.¹ Material is obscene when judged with reference to ordinary adults:

a. The average person applying contemporary community standards would find that the material depicts or describes sexual conduct in a patently offensive way (*define sexual conduct pertinent to the case as set out by the statute*).² Material is patently offensive when, taken as a whole, it affronts contemporary community standards relating to the description or representation of sexual matters.

b. And, the average person applying contemporary community standards relating to the depiction or description of sexual matters would find that the material taken as a whole appeals to the prurient interest in sex. A prurient interest is an unhealthy, abnormal, lascivious, shameful or morbid sexual interest.

Contemporary community standards must be interpreted as the current standards here in your community.³ Both of these tests of obscenity that I

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ADVERTISING OR PROMOTING SALE OF MATERIAL AS OBSCENE IN THE PRESENCE OF A MINOR. FELONY.

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N.C. Gen. Stat. § 14-190.1(f) and (g)

have related to you must be considered and judged with reference to the average adult in this community, rather than the most tolerant or the most prudish.

The obscene character of the materials, if any, may be determined by you, based on the viewing of the alleged obscene material. In addition to considering all of the evidence presented, you are entitled to draw on your understanding and knowledge of the views of the average adult person in this community and of the tolerance of the average adult person in this community in making the required determinations which are necessary for the resolution of this case.

In determining whether certain material as [advertised] [promoted] is obscene, you should consider the entire material as a whole and not part by part. You may also consider whether the predominant theme and purpose of the material, when viewed as a whole and not part by part, is an appeal to the prurient interest of the average adult person in your community.

c. And, applying the reasonable person standard, you find that the [advertisement] [promotion] of the material taken as a whole lacks serious literary, artistic, political or scientific value.⁴

And Fourth, that the defendant knowingly did so in the presence of a minor under 18 years of age.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was a [person 18 years or older] [firm] [corporation], that the defendant [advertised] [promoted] the sale of material, that the defendant [represented] [held out] that material as obscene, and that the defendant knowingly did so in the presence of a minor under 18 years of age, it would be your duty to return a verdict of guilty. If

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ADVERTISING OR PROMOTING SALE OF MATERIAL AS OBSCENE IN THE
PRESENCE OF A MINOR. FELONY.

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you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. N.C. Gen. Stat. § 14-190.1(f) does not require proof that the material advertised or promoted was in fact obscene. All that is necessary is that the defendant represents or holds out the material as obscene.

2. N.C. Gen. Stat. § 14-190.1(c) defines "sexual conduct" as "(1) vaginal, anal or oral intercourse, whether actual or simulated, normal or perverted; or (2) masturbation, excretory functions, or lewd exhibition of uncovered genitals; or (3) an act or condition that depicts torture, physical restraint by being fettered or bound, or flagellation of or by a nude person or a person clad in undergarments or in revealing or bizarre costume."

3. See *S. v. Mayes*, 323 N.C. 159 (1988), holding that the trial judge need not specify the geographic limits of the community, nor must the jury reach a consensus as to the community's boundaries.

4. Sections a, b, and c of the third element conform with the three-prong test for obscenity in *Miller v. California*, 413 U.S. 15 (1973), as modified by *Smith v. U.S.*, 431 U.S. 291 (1977) and *Pope v. Illinois*, 107 S.Ct. 1918 (1987).

N.C.P.I.—Crim. 238.17A
INDECENT EXPOSURE TO MINOR FOR PURPOSE OF AROUSING OR
GRATIFYING SEXUAL DESIRE. FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT FEBRUARY 2024
N.C. Gen. Stat. § 14-190.9(a1)

238.17A INDECENT EXPOSURE TO MINOR FOR PURPOSE OF AROUSING OR
GRATIFYING SEXUAL DESIRE. FELONY.

The defendant has been charged with indecent exposure to a minor for the purpose of arousing or gratifying sexual desire.¹

For you to find the defendant guilty of this offense, the State must prove five things beyond a reasonable doubt.

First, that the defendant willfully exposed [his] [her] private parts.²

Second, that the exposure occurred in a public place,³ that is a place to which the public has access and is visited by many persons.

Third, that the exposure was in the presence of a minor.⁴ A minor is an individual who is less than 18 years old and is not married or judicially emancipated.⁵

Fourth, that at the time of the exposure the defendant was at least 18 years old.

And Fifth, that the defendant acted for the purpose of arousing or gratifying sexual desire.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully exposed [his] [her] private parts in a public place, in the presence of a minor, that at the time of the exposure the defendant was at least 18 years old, and that the defendant acted for the purpose of arousing or gratifying sexual desire, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.⁶

N.C.P.I.—Crim. 238.17A
INDECENT EXPOSURE TO MINOR FOR PURPOSE OF AROUSING OR
GRATIFYING SEXUAL DESIRE. FELONY.
GENERAL CRIMINAL VOLUME
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N.C. Gen. Stat. § 14-190.9(a1)

1. The statute also punishes aiding, abetting or procuring such an act, as well as the owner, etc. of any premises in which such an act is knowingly hired.

2. The term “private parts” refers to the genital or excretory organs. A female breast is not a private part. *State v. Jones*, 7 N.C. App. 166 (1970). Where there is a dispute as to what was exposed, and one of the things is not a private part, the jury should be instructed as to what is or is not a private part.

3. For a further definition of “public place,” see *State v. King*, 268 N.C. 711 (1966) (automobile in public parking lot). See also *State v. Fusco*, 136 N.C. App. 268, 523 S.E.2d 741 (1999).

4. The victim need not actually see what is being exposed. *State v. Fly*, 348 N.C. 356 (1998); *State v. Fusco*, 136 N.C. App. 268, 523 S.E.2d 741 (1999). It is not necessary that the exposure be directed at or even seen by another person. *State v. Hoyle*, 373 N.C. 454, 838 S.E. 2d 435 (2020).

5. See N.C. Gen. Stat. § 14-190.13.

6. If there is evidence to support the submission of a lesser included offense, this last phrase would be amended as follows “If you do not so find or have a reasonable doubt as to one or more of these things, then you would not return a verdict of guilty of indecent exposure to a minor but would consider whether the defendant is guilty of”

N.C.P.I.—Crim. 238.17B
INDECENT EXPOSURE TO A MINOR IN A PRIVATE RESIDENCE OF WHICH
THE DEFENDANT IS NOT A RESIDENT. MISDEMEANOR.
GENERAL CRIMINAL VOLUME
MARCH 2024
N.C. Gen. Stat. § 14-190.9(a4)

238.17B INDECENT EXPOSURE TO A MINOR IN A PRIVATE RESIDENCE OF
WHICH THE DEFENDANT IS NOT A RESIDENT. MISDEMEANOR.

The defendant has been charged with indecent exposure to a minor in
a private residence of which the defendant is not a resident.¹

For you to find the defendant guilty of this offense, the State must prove
four things beyond a reasonable doubt.

First, that the defendant willfully exposed [his] [her] private parts.²

Second, that the exposure occurred in a private residence of which the
defendant was not a resident.

Third, that the exposure was in the presence of a minor.³ A minor is an
individual who is less than 18 years old and is not married or judicially
emancipated.⁴

Fourth, that at the time of the exposure the defendant was at least 18
years old.

And Fifth, that the alleged victim was a resident of that private
residence.

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date, the defendant willfully exposed [his] [her] private
parts in a private residence of which the defendant was not a resident, the
exposure was in the presence of a minor, that at the time of the exposure the
defendant was at least 18 years old, and the alleged victim was a resident of
that private residence, it would be your duty to return a verdict of guilty. If
you do not so find or have a reasonable doubt as to one or more of these
things, it would be your duty to return a verdict of not guilty.

N.C.P.I.—Crim. 238.17B
INDECENT EXPOSURE TO A MINOR IN A PRIVATE RESIDENCE OF WHICH
THE DEFENDANT IS NOT A RESIDENT. MISDEMEANOR.
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1. The statute also punishes aiding, abetting or procuring such an act, as well as the owner, etc. of any premises in which such an act is knowingly hired.

2. The term “private parts” refers to the genital or excretory organs. A female breast is not a private part. *State v. Jones*, 7 N.C. App. 166 (1970). Where there is a dispute as to what was exposed, and one of the things is not a private part, the jury should be instructed as to what is or is not a private part.

3. The victim need not actually see what is being exposed. *State v. Fly*, 348 N.C. 356 (1998); *State v. Fusco*, 136 N.C. App. 268, 523 S.E.2d 741 (1999).

4. See N.C. Gen. Stat. § 14-190.13.

N.C.P.I.—Crim. 260.21A.1

FELONIOUSLY [MAKING] [DISTRIBUTING] [POSSESSING] A THING
DESIGNED TO PRINT AN IDENTIFYING MARK UPON ANY DRUG OR
CONTAINER TO RENDER IT A COUNTERFEIT CONTROLLED SUBSTANCE—
FELONY.

GENERAL CRIMINAL VOLUME

FEBRUARY 2024

N.C. Gen. Stat. §§ 90-108(a)(12)(b) and 90-108(b)

260.21A.1 FELONIOUSLY [MAKING] [DISTRIBUTING] [POSSESSING] A
THING DESIGNED TO PRINT AN IDENTIFYING MARK UPON ANY DRUG OR
CONTAINER TO RENDER IT A COUNTERFEIT CONTROLLED SUBSTANCE—
FELONY.

The defendant has been charged with feloniously [making] [distributing]
[possessing] a thing designed to print an identifying mark upon any drug or
container to render it a counterfeit controlled substance.

For you to find the defendant guilty of this offense, the state must prove
two things beyond a reasonable doubt:

First, that the defendant [made] [distributed] [possessed] a [punch]
[die] [plate] [stone] [other thing (describe other thing)] designed to [print]
[imprint] [reproduce] the [trademark] [trade name] [[other identifying
[mark] [imprint] [device] of another]] [any likeness of any of the foregoing]
upon any drug or container or labeling thereof so as to render such drug a
counterfeit controlled substance.

And Second, that the defendant [knew] [intended]¹ [had reasonable
cause to believe] that it would be used to create a counterfeit controlled
substance.²

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date the defendant [made] [distributed] [possessed] a
[punch] [die] [plate] [stone] [other thing (describe other thing)] designed to
[print] [imprint] [reproduce] the [trademark] [trade name] [[other identifying
[mark] [imprint] [device] of another]] [any likeness of any of the foregoing]
upon any drug or container or labeling thereof so as to render such drug a
counterfeit controlled substance, and the defendant [knew] [intended] [had
reasonable cause to believe] that it would be used to create a counterfeit

N.C.P.I.—Crim. 260.21A.1

FELONIOUSLY [MAKING] [DISTRIBUTING] [POSSESSING] A THING
DESIGNED TO PRINT AN IDENTIFYING MARK UPON ANY DRUG OR
CONTAINER TO RENDER IT A COUNTERFEIT CONTROLLED SUBSTANCE—
FELONY.

GENERAL CRIMINAL VOLUME

FEBRUARY 2024

N.C. Gen. Stat. §§ 90-108(a)(12)(b) and 90-108(b)

controlled substance, it would be your duty to return a verdict of guilty. If you
do not so find, or if you have a reasonable doubt as to one or both of these
things, it would be your duty to return a verdict of not guilty.³

1. For a definition of intent see N.C.P.I.—Crim. 120.10.

2. See N.C. Gen. Stat. 90-108(b).

3. If there is evidence to support the submission of a lesser included offense, this last phrase would be amended as follows "If you do not so find or have a reasonable doubt as to one or both of these things, you would not return a verdict of guilty of feloniously [making] [distributing] [possessing] a thing designed to print an identifying mark upon any drug or container to render it a counterfeit controlled substance, but would consider whether the defendant is guilty of" *But see S v. Church*, 73 N.C. App. 645, 646, 327 S.E.2d 33, 34 (1985). Because any commission of the offense set out in N.C. Gen. Stat. § 90-108(a)(12)(b) is by definition intentional, and because N.C. Gen. Stat. § 90-108(b) provides that intentional violations of N.C. Gen. Stat. § 90-108 are felonies, a misdemeanor offense under N.C. Gen. Stat. § 90-108(a)(12)(b) may not exist.

N.C.P.I.—Crim. 260.21A.2
FELONIOUSLY [POSSESSING] [MANUFACTURING] [DISTRIBUTING]
[EXPORTING] [IMPORTING] EQUIPMENT USED TO CREATE A COUNTERFEIT
CONTROLLED SUBSTANCE—FELONY.
GENERAL CRIMINAL VOLUME
FEBRUARY 2024
N.C. Gen. Stat. §§ 90-108(a)(12)(a) and 90-108(b)

260.21A.2 FELONIOUSLY [POSSESSING] [MANUFACTURING]
[DISTRIBUTING] [EXPORTING] [IMPORTING] EQUIPMENT USED TO CREATE
A COUNTERFEIT CONTROLLED SUBSTANCE—FELONY.

The defendant has been charged with feloniously [possessing]
[manufacturing] [distributing] [exporting] [importing] equipment used to
create a counterfeit controlled substance.

For you to find the defendant guilty of this offense, the state must prove
two things beyond a reasonable doubt:

First, that the defendant [possessed] [manufactured] [distributed]
[exported] [imported] any [three-neck round-bottom flask] [tableting
machine] [encapsulating machine] [gelatin capsule] [equipment] [chemical]
[product] [material] which may be used to create a counterfeit controlled
substance.

And Second, that the defendant [knew] [intended]¹ [had reasonable
cause to believe] that it would be used to create a counterfeit controlled
substance.²

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date the defendant [possessed] [manufactured]
[distributed] [exported] [imported] any [three-neck round-bottom flask]
[tableting machine] [encapsulating machine] [gelatin capsule] [equipment]
[chemical] [product] [material] which may be used to create a counterfeit
controlled substance, and the defendant [knew] [intended] [had reasonable
cause to believe] that it would be used to create a counterfeit controlled
substance, it would be your duty to return a verdict of guilty. If you do not so
find, or if you have a reasonable doubt as to one or both of these things, it
would be your duty to return a verdict of not guilty.³

N.C.P.I.—Crim. 260.21A.2
FELONIOUSLY [POSSESSING] [MANUFACTURING] [DISTRIBUTING]
[EXPORTING] [IMPORTING] EQUIPMENT USED TO CREATE A COUNTERFEIT
CONTROLLED SUBSTANCE—FELONY.
GENERAL CRIMINAL VOLUME
FEBRUARY 2024
N.C. Gen. Stat. §§ 90-108(a)(12)(a) and 90-108(b)

1. For a definition of intent see N.C.P.I.—Crim. 120.10.
2. See N.C. Gen. Stat. 90-108(b).

3. If there is evidence to support the submission of a lesser included offense, this last phrase would be amended as follows “If you do not so find or have a reasonable doubt as to one or both of these things, you would not return a verdict of guilty of feloniously [possessing] [manufacturing] [distributing] [exporting] [importing] equipment used to create a counterfeit controlled substance, but would consider whether the defendant is guilty of” *But see S v. Church*, 73 N.C. App. 645, 646, 327 S.E.2d 33, 34 (1985). Because any commission of the offense set out in N.C. Gen. Stat. § 90-108(a)(12)(a) is by definition intentional, and because N.C. Gen. Stat. § 90-108(b) provides that intentional violations of N.C. Gen. Stat. § 90-108 are felonies, a misdemeanor offense under N.C. Gen. Stat. § 90-108(a)(12)(a) may not exist.

N.C.P.I.—Crim. 260.21A.3
FELONIOUSLY [POSSESSING] [MANUFACTURING] [DISTRIBUTING]
[EXPORTING] [IMPORTING] EQUIPMENT USED TO MANUFACTURE A
[CONTROLLED SUBSTANCE] [LISTED CHEMICAL]. FELONY.
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N.C. Gen. Stat. §§ 90-108(a)(12a)

260.21A.3 FELONIOUSLY [POSSESSING] [MANUFACTURING]
[DISTRIBUTING] [EXPORTING] [IMPORTING] EQUIPMENT USED TO
MANUFACTURE A [CONTROLLED SUBSTANCE] [LISTED CHEMICAL]. FELONY.

The defendant has been charged with feloniously [possessing]
[manufacturing] [distributing] [exporting] [importing] equipment used to
manufacture a [controlled substance] [listed chemical].

For you to find the defendant guilty of this offense, the state must prove
two things beyond a reasonable doubt:

First, that the defendant [possessed] [manufactured] [distributed]
[exported] [imported] any [three-neck round-bottom flask] [tableting
machine] [encapsulating machine] [gelatin capsule] [equipment] [chemical]
[product] [material] which may be used to manufacture a [controlled
substance] [listed chemical].

And Second, that the defendant [knew] [intended]¹ [had reasonable
cause to believe] that it would be used to manufacture a controlled
substance.²

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date the defendant [possessed] [manufactured]
[distributed] [exported] [imported] any [three-neck round-bottom flask]
[tableting machine] [encapsulating machine] [gelatin capsule] [equipment]
[chemical] [product] [material] which may be used to manufacture a
[controlled substance] [listed chemical], and that the defendant [knew]
[intended] [had reasonable cause to believe] that it would be used to
manufacture a controlled substance, it would be your duty to return a verdict
of guilty. If you do not so find, or if you have a reasonable doubt as to one or
both of these things, it would be your duty to return a verdict of not guilty.

N.C.P.I.—Crim. 260.21A.3
FELONIOUSLY [POSSESSING] [MANUFACTURING] [DISTRIBUTING]
[EXPORTING] [IMPORTING] EQUIPMENT USED TO MANUFACTURE A
[CONTROLLED SUBSTANCE] [LISTED CHEMICAL]. FELONY.
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N.C. Gen. Stat. §§ 90-108(a)(12a)

1. For a definition of intent see N.C.P.I.—Crim. 120.10.

2. This subdivision shall not apply to a pharmacy, a pharmacist, a pharmacy technician, or a pharmacy intern licensed or permitted under Article 4A of Chapter 90 of the General Statutes possessing any item included in this subdivision utilized in the compounding, dispensing, delivering, or administering of a controlled substance pursuant to a prescription.

N.C.P.I.—Crim. 308.80

DEFENSE OF [HABITATION] [WORKPLACE] [MOTOR VEHICLE]—HOMICIDE AND ASSAULT.

GENERAL CRIMINAL VOLUME

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N.C. Gen. Stat. § 14-51.2, 14-51.3, 14-51.4

308.80 DEFENSE OF [HABITATION] [WORKPLACE] [MOTOR VEHICLE]—HOMICIDE AND ASSAULT.

NOTE WELL: The use of force, including deadly force, is justified when the defendant is acting to prevent a forcible entry into the defendant's home, other place of residence, workplace, or motor vehicle, or to terminate an intruder's unlawful entry. See G.S. 14-51.1. This instruction is designed to be used instead of, or together with, the self-defense instructions which are incorporated in the murder charges (N.C.P.I.—Crim. 206.10, 206.11, 206.30), and those in N.C.P.I.—Crim. 308.40 or 308.45.

*NOTE WELL: The trial judge is reminded that this instruction must be combined with the substantive offense instruction in the following manner: (1) the jury should be instructed on the elements of the charged offense; (2) the jury should then be instructed on the definition of defense of habitation set out in this instruction below; (3) the jury should then be instructed on the mandate of the charged offense; and (4) the jury should be instructed on the mandate for self-defense as set out below in this instruction. **THE FAILURE TO CHARGE ON ALL OF THESE MATTERS CONSTITUTES REVERSIBLE ERROR.***

If the defendant [killed] [assaulted] the victim to prevent a forcible entry into the defendant's [home]¹ [place of residence]² [workplace]³ [motor vehicle]⁴, or to terminate the intruder's unlawful entry, the defendant's actions are excused and the defendant is not guilty. The State has the burden of proving from the evidence beyond a reasonable doubt that the defendant did not act in the lawful defense of the defendant's [home] [place of residence] [workplace] [motor vehicle].

The defendant was justified in using (deadly) force^{5 6} if:

- 1) such force was being used to [prevent a forcible entry] [terminate the intruder's unlawful entry] into the defendant's [home] [place of residence] [workplace] [motor vehicle];

N.C.P.I.—Crim. 308.80

DEFENSE OF [HABITATION] [WORKPLACE] [MOTOR VEHICLE]—HOMICIDE
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- 2) the defendant reasonably believed that the intruder [would kill or inflict serious bodily harm to the defendant or others in the [home] [place of residence] [workplace] [motor vehicle]]⁷ [intended to commit a felony in the [home] [place of residence] [workplace] [motor vehicle]]; and
- 3) the defendant reasonably believed that the degree of force the defendant used was necessary to [prevent a forcible entry] [terminate the intruder's unlawful entry] into the defendant's [home] [place of residence] [workplace] [motor vehicle].⁸

A lawful occupant within a [home] [place of residence] [workplace] [motor vehicle] does not have a duty to retreat from an intruder in these circumstances.⁹ Furthermore, a “person who unlawfully and by force enters or attempts to enter a person’s [home] [place of residence] [workplace] [motor vehicle] is presumed to be doing so with the intent to commit an unlawful act involving force or violence.”¹⁰ In addition, (absent evidence to the contrary)¹¹, the lawful occupant of a [home] [place of residence] [workplace] [motor vehicle] is presumed to have held a reasonable fear of imminent death or serious bodily harm to [himself] [herself] or another when using defensive force that is intended or likely to cause death or serious bodily harm to another if both of the following apply:

- 1) The person against whom the defensive force was used was in the process of unlawfully and forcefully entering, or had unlawfully and forcibly entered, a [home] [place of residence] [workplace] [motor vehicle], or if that person had removed or was attempting to remove another against that person’s will from the [home] [place of residence] [workplace] [motor vehicle]; and

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DEFENSE OF [HABITATION] [WORKPLACE] [MOTOR VEHICLE]—HOMICIDE
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- 2) The person who uses defensive force knew or had reason to believe that an unlawful and forcible entry or unlawful and forcible act was occurring or had occurred.¹²

It is for you, the jury, to determine the reasonableness of the defendant's belief from the circumstances as they appeared to the defendant at the time.

*NOTE WELL: The following self-defense mandate must be given after the mandate on each substantive offense instructed upon. **INCLUDING THE SELF-DEFENSE MANDATE IS REQUIRED BY STATE V. WOODSON, 31 N.C. APP. 400 (1976).** Cf. State v. Dooley, 285 N.C. 158 (1974).*

DEFENSE OF HABITATION MANDATE

If you find beyond a reasonable doubt that the defendant [killed] [assaulted] the victim you may return a verdict of guilty only if the State has satisfied you beyond a reasonable doubt that the defendant did not act in the lawful defense of the defendant's [home] [place of residence] [workplace] [motor vehicle], that is,

- 1) that the defendant did not use such force to [prevent a forcible entry] [terminate the intruder's unlawful entry] into the defendant's [home] [place of residence] [workplace] [motor vehicle]; or
- 2) that the defendant did not reasonably believe that the intruder [would kill or inflict serious bodily harm to the defendant or others in the [home] [place of residence] [workplace] [motor vehicle]] [intended to commit a felony in the [home] [place of residence] [workplace] [motor vehicle]]; or

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- 3) that the defendant did not reasonably believe that the degree of force the defendant used was necessary to [prevent a forcible entry] [terminate the intruder's unlawful entry] into the defendant's [home] [place of residence] [workplace] [motor vehicle].¹³

If you do not so find, or have a reasonable doubt that the State has proved one or more of these things, then the defendant would be justified in defending the [home] [place of residence] [workplace] [motor vehicle], and it would be your duty to return a verdict of not guilty.

1. G.S. 14-51.2(b), (defense of habitation applies when the person against whom defensive force is used is “in the process of unlawfully and forcefully entering a home”); G.S. 14-51.2(a)(1) (“home” is defined to “include its curtilage”). *See also State v. Dilworth*, 274 N.C. App. 57, 851 S.E.2d 406 (2020) (holding that a defendant is entitled to a defense of habitation instruction where the person against whom defensive force is used is in the process of entering the home through its curtilage).

2. *See State v. Blue*, 356 N.C. 79, 565 S.E.2d 133 (2002) (concluding that defense of habitation can be applicable to the porch of a dwelling under certain circumstances and that the question of whether a porch, garage, or other appurtenance attached to a dwelling is within the home or residence for purposes of G.S. 14-51.1 is a question best left to the jury).

3. G.S. 14-51.2 (a) (4) states that a workplace is a “building or conveyance of any kind, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, which is being used for commercial purposes.”

4. G.S. 14-51.2 (a) (3); G.S. 20-4.01 (23) defines “motor vehicle” as “Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in G.S. 20-4.01(27)d1.”

5. *See* G.S. 14-51.4. The justification described in G.S. 14-51.2 and 14-51.3 is not available to a person who used defensive force and who: “(1) Was attempting to commit, committing, or escaping after the commission of a felony, and that felony offense was immediately causally connected to the circumstances giving rise to the defensive force used, *See State v. McLymore*, 2022-NCSC-12, *see also* N.C.P.I.—Crim. 308.90; or (2) Initially provokes the use of force against himself or herself. However, the person who initially provokes the use of force against himself or herself will be justified in using defensive force if either of the following occur: a. The force used by the person who was provoked is so serious that the person using defensive force reasonably believes that he or she was in imminent danger of death or serious bodily harm, the person using defensive force had no reasonable means to retreat, and the use of force which is likely to cause death or serious bodily harm

to the person who was provoked was the only way to escape the danger. b. The person who used defensive force withdraws, in good faith, from physical contact with the person who was provoked, and indicates clearly that he or she desires to withdraw and terminate the use of force, but the person who was provoked continues or resumes the use of force.” If evidence is presented to show the preceding, then this instruction should be modified accordingly.

6. The Supreme Court of North Carolina has recognized the affirmative defense of justification may be available “in narrow and extraordinary circumstances” to the charge of possession of a firearm by a convicted felon pursuant to N.C.G.S. § 14-415.1. *State v. Mercer*, 373 N.C. 459, 463, 838 S.E.2d 359, 363 (2020). The Court has also noted that failing to properly instruct the jury on the causal nexus requirement of N.C.G.S. § 14-51.4 denies a defendant the opportunity to assert such an affirmative defense to dispute the existence of a causal nexus between their violation of N.C.G.S. § 14-415.1 and the use of force. See *State v. McLymore*, 2022-NCSC-12, ¶ 2 (stating that the Court “does not interpret N.C.G.S. § 14-51.4(1) to categorically prohibit individuals with a prior felony conviction from ever using a firearm in self-defense[.]”). See also N.C.P.I.—Crim. 310.14 (Justification).

7. G.S. 14-51.3 (a) (1).

8. G.S. 14-51.2 (e) states that a person is not justified in using (deadly) force where the “person against whom force was used is a law enforcement officer or bail bondsman who was lawfully acting in the performance of his or her official duties and the officer or bail bondsman identified himself or herself in accordance with any applicable law or the person using force knew or reasonably should have known that the person was a law enforcement officer or bail bondsman in the lawful performance of his or her official duties.” If the defendant instigated or provoked an intrusion, [he] [she] cannot rely on the defense that the degree of force used by [him] [her] was reasonably necessary.

9. G.S. 14-51.2 (f) states “a lawful occupant within his or her home, motor vehicle, or workplace does not have a duty to retreat from an intruder in the circumstances described in this section.” The defendant can stand the defendant’s ground and repel force with force regardless of the character of the assault being made upon the defendant. (N.C.P.I.—Crim. 308.10).

10. G.S. 14-51.2 (d).

11. This parenthetical should be used where there is evidence presented to rebut the presumption.

12. G.S. 14-51.2 (b). Pursuant to G.S. 14-51.2(c), the presumption in (b) does not apply in any of the following circumstances: “(1) The person against whom the defensive force is used has the right to be in or is a lawful resident of the home, motor vehicle, or workplace, such as an owner or lessee, and there is not an injunction for protection from domestic violence or a written pretrial supervision order of no contact against that person. (2) The person sought to be removed from the home, motor vehicle, or workplace is a child or grandchild or is otherwise in the lawful custody or under the lawful guardianship of the person against whom the defensive force is used. (3) The person who uses defensive force is engaged in, attempting to escape from, or using the home, motor vehicle, or workplace to further any criminal offense that involves the use or threat of physical force or violence against any individual. (4) The person against whom the defensive force is used is a law enforcement officer or bail bondsman who enters or attempts to enter a home, motor vehicle, or workplace in the lawful performance of his or her official duties, and the officer or bail bondsman identified himself or herself in accordance with any applicable law or the

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person using force knew or reasonably should have known that the person entering or attempting to enter was a law enforcement officer or bail bondsman in the lawful performance of his or her official duties. (5) The person against whom the defensive force is used (i) has discontinued all efforts to unlawfully and forcefully enter the home, motor vehicle, or workplace and (ii) has exited the home, motor vehicle, or workplace.”

If the State presents evidence to rebut this presumption, then this instruction should be edited accordingly. For instance, language like the following could be added: If you find that the defendant was (describe rebuttal evidence presented by State), then this presumption would not apply.

13. *See also* G.S. 14-51.3 (b), which provides that a person who uses force as permitted by the statute is justified in using such force and is immune from civil or criminal liability, unless the person against whom force was used is a law enforcement officer or bail bondsman “who was lawfully acting in the performance of his or her official duties and the officer or bail bondsman identified himself or herself in accordance with any applicable law or the person using force knew or reasonably should have known that the person was a law enforcement officer or bail bondsman in the lawful performance of his or her official duties.”

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