

N.C.P.I.-Crim. 207.72
SEX OFFENDER UNLAWFULLY ON CERTAIN PREMISES. FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT JUNE 2017
N.C. Gen. Stat. § 14-208.18(a)

207.72 SEX OFFENDER UNLAWFULLY ON CERTAIN PREMISES. FELONY.

NOTE WELL: N.C. Gen. Stat. § 14-208.18(b),(d),(e), (f),(g) provide for allowed circumstances when sex offenders may be on the premises.

NOTE WELL: N.C. Gen. Stat. § 14-208.18(a) was revised, effective July 21, 2016. This instruction applies to registered sex offenders who committed certain offenses when the victim was under 18 years old.

The defendant has been charged with being a sex offender unlawfully on certain premises.

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 required to register as a sex offender.

And Second, that the defendant was knowingly¹:

- a. [on the premises of a(n) [school] [children's museum] [child care center] [nursery] [playground] [*name* other premises intended primarily for the [use] [care] [supervision] of minors]
- b. [within 300 feet of a(n) [school] [children's museum] [child care center] [nursery] [playground located in a(n) [mall] [shopping center] [other property] open to the general public] [*name* other location intended primarily for the [use] [care] [supervision] of minors when the place is located on premises that are not intended primarily for the [use] [care] [supervision] of minors]
- c. [on the premises of [a(n) [library] [arcade] [amusement park] [recreation park] [swimming pool] [(*name place*) where

minors frequently congregate (*describe place*)], and when minors are present.]²

- d. [on the premises of the [North Carolina State Fairgrounds during the time each year when the North Carolina State Fair is conducted] [Western North Carolina Agricultural Center grounds during the time each year when the North Carolina Mountain State Fair is conducted] [(*name fairgrounds*) during the time that an agricultural fair is being conducted] (*name fair*)].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was required to register as a sex offender and was knowingly

- a. [on the premises of a(n) [school] [children’s museum] [child care center] [nursery] [playground] [name other premises intended primarily for the [use] [care] [supervision] of minors]
- b. [within 300 feet of a(n) [school] [children’s museum] [child care center] [nursery] [playground located in a(n) [mall] [shopping center] [other property] open to the general public] [*name* any location intended primarily for the [use] [care] [supervision] of minors when the place is located on premises that are not intended primarily for the [use] [care] [supervision] of minors]
- c. [on the premises of a(n) [library] [arcade] [amusement park] [recreation park] [swimming pool] [(*name place*) where minors frequently congregate (*describe place*)], and when minors are present]
- d. [on the premises of the [North Carolina State Fairgrounds

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during the time each year when the North Carolina State Fair is conducted] [Western North Carolina Agricultural Center grounds during the time each year when the North Carolina Mountain State Fair is conducted] [(*name fairgrounds*) during the time that an agricultural fair is being conducted] (*name fair*)].

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 *Black's Law Dictionary* defines "knowing" as "having or showing awareness or understanding; well informed," or "deliberate; conscious." *Black's Law Dictionary* 888 (8th ed. 2004). See *State v. Williams*, 187 N.C. App. 307, 652 S.E.2d 752 (2007).

2 Special care should be given when instructing the jury on this specific provision to include the phrase, "when minors are present," which is a requirement with this provision but not others.