

N.C.P.I.-Crim. 207.95
KNOWINGLY AND WITHOUT AUTHORITY [REMOVING] [DESTROYING]
[CIRCUMVENTING OPERATION OF] AN ELECTRONIC MONITORING
DEVICE.
GENERAL CRIMINAL VOLUME
JUNE 2010
N.C. Gen. Stat. § 14-226.3

207.95 KNOWINGLY AND WITHOUT AUTHORITY [REMOVING]
[DESTROYING] [CIRCUMVENTING OPERATION OF] AN ELECTRONIC
MONITORING DEVICE.

The defendant has been charged with knowingly and without authority [removing] [destroying] [circumventing the operation of] an electronic monitoring device.

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

First, that the defendant knowingly and without authority

- (A) [[removed] [destroyed] [circumvented the operation of] an electronic monitoring device]

- (B) [[requested] [solicited] another person to [remove] [destroy] [circumvent the operation of] an electronic monitoring device.]

Second, that the electronic device¹ was used for the purpose of monitoring a person for the purpose of [a house arrest program] [a condition of bond or pretrial release][a condition of probation][a condition of parole][a condition of post-release supervision].

And Third, that the defendant [was required to comply with electronic monitoring as a result of a conviction for a criminal offense] [was required to comply with electronic monitoring as a condition of bond or pretrial release].²

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly and without

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authority

- (A) [[removed] [destroyed] [circumvented the operation of] an electronic monitoring device]
- (B) [requested] [solicited] another person to [remove] [destroy] [circumvent the operation of] an electronic monitoring device],

that the monitoring device was used for the purpose of monitoring a person pursuant to [a house arrest program][a condition of bond or pretrial release][a condition of probation][a condition of parole][a condition of post-release supervision], and that the defendant [was required to comply with electronic monitoring as a result of a conviction for a criminal offense] [was required to comply with electronic monitoring as a condition of bond or pretrial release], 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 electronic monitoring device includes any electronic device used to track the location of a person.

2. Violation of this section by a person who is required to comply with electronic monitoring as a result of a conviction for a criminal offense is a felony one class lower than the most serious underlying felony or a misdemeanor one class lower than the most serious underlying misdemeanor, except that, if the most serious underlying felony is a Class I felony, then violation of this section is a Class A1 misdemeanor. Violation of this section by a person who is required to comply with electronic monitoring as a condition of bond or pretrial release is a Class 1 misdemeanor. Violation of this section by any other person is a

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Class 2 misdemeanor. See N.C. Gen. Stat. § 14-226.3(e).