

208.68 MALICIOUS CONDUCT BY A PRISONER—EXPOSING GENITALIA BY A PRISONER TO AN EMPLOYEE OF A [STATE] [LOCAL GOVERNMENT] IN THE PERFORMANCE OF THE EMPLOYEE’S DUTIES. FELONY.

The defendant has been charged with exposing genitalia to a [State] [local government] employee in the performance of the employee’s duties.

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

First, that the defendant exposed the defendant’s genitalia to the alleged victim.

Second, that at the time of the exposure the alleged victim was a [State] [local government] employee<sup>1</sup> in the performance of the employee’s duties.

Third, that the defendant acted knowingly and willfully.

And Fourth, that at that time the defendant was in the custody of [the Division of Adult Correction and Juvenile Justice of the Department of Public Safety] [any law enforcement officer<sup>2</sup>] [any local confinement facility<sup>3</sup>]. (*Name facility or custodial officer*) is [within the Division of Adult Correction and Juvenile Justice of the Department of Public Safety] [a law enforcement officer] [a local confinement facility].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant exposed the defendant’s genitalia to the alleged victim, that at the time of the exposure the alleged victim was a [State] [local government] employee in the performance of the employee’s duties, that the defendant acted knowingly and willfully, and that the defendant was in the custody of [the Division of Adult Correction and Juvenile Justice of the Department of Public Safety] [any law enforcement

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N.C. Gen. Stat. § 14-258.4

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officer] [any local confinement 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 more of these things, it would be your duty to return a verdict of not guilty.<sup>4</sup>

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1 N.C. Gen. Stat. § 14-254.5.

2 N.C. Gen. Stat. §§ 153A-217 and 153A-230.1.

3 This section applies to any person in the custody of the identified individuals and institutions, including persons pending trial, appellate review, or presentence diagnostic evaluation. It also applies to violations committed inside or outside of the prison, jail, detention center, or other confinement facility.

4 “Sentences imposed under this Article shall run consecutively to and shall commence at the expiration of any sentence being served by the person sentenced under this section.” N.C. Gen. Stat. § 14-258.4(d).