

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

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(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.