

N.C.P.I.-Crim. 220.97
[POSSESSION] [TRANSFER] [USE] OF AUTOMATED SALES SUPPRESSION
DEVICE. FELONY.
GENERAL CRIMINAL VOLUME
JUNE 2014
N.C. Gen. Stat. § 14-118.7

220.97 [POSSESSION] [TRANSFER] [USE] OF AUTOMATED SALES
SUPPRESSION DEVICE. FELONY.

The defendant has been charged with [possession] [transfer] [use]
of an automated sales suppression device.

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

First, that the defendant [sold] [purchased] [installed] [transferred]
[possessed] [used] [accessed] an automated sales [suppression device]
[zapper]¹ [phantom-ware].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 [sold] [purchased]
[installed] [transferred] [possessed] [used] [accessed] any automated
sales [suppression device] [zapper] [phantom-ware],³ it would be your
duty to return a verdict of guilty.⁴ 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.

1 For purposes of this section, an automated sales suppression device or zapper is a software program that falsifies the electronic records of electronic cash registers and other point of sale systems, including transaction data and transaction reports. The term includes the software program, any device that carries the software program, or an Internet link to the software program. For a definition of an electronic cash register see N.C. Gen. Stat. § 14-118.7(2). For a definition of transaction data see N.C. Gen. Stat. § 14-118.7(4). For a definition of transaction report see N.C. Gen. Stat. § 14-118.7(5).

2 For purposes of this section, phantom-ware is a hidden programming option embedded in the operating system of an electronic cash register or hardwired into the electronic cash register that can be used to create a second set of records or may eliminate or manipulate transaction records, which may or may not be preserved in digital formats, to represent the true or manipulated record of transactions in the electronic cash

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register.

3 An automated sale suppression device, zapper, or phantom-ware, or any device containing such device or software, is contraband.

4 Any person who violates this section is liable for all taxes, fees, penalties, and interest due the State as the result of the use of an automated sales suppression device, zapper, or phantom-ware and shall forfeit to the States as an additional penalty all profits associated with the sale or use of an automated sales suppression device, zapper, or phantom-ware.