

222.33 TRESPASSING BY PERSON SUBJECT TO VALID PROTECTIVE ORDER
ONTO PROPERTY OPERATED AS A SAFE HOUSE OR HAVEN FOR VICTIMS OF
DOMESTIC VIOLENCE. FELONY.

The defendant has been charged with trespassing onto property operated as a safe house or haven for victims of domestic violence.

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

First, that the defendant was subject to a valid domestic violence protective order.

Second, that the defendant entered property operated as a safe house or haven¹ for victims of domestic violence.

And Third, that a person protected under the order was residing at said safe house or haven.²

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was subject to a valid domestic violence protective order, that the defendant entered property operated as a safe house or haven for victims of domestic violence, and that a person protected under the order was residing at the safe house or haven, 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. The terms "safe house" and "haven" are not defined by statute. However, the statute does define shelter as "a facility that meets the criteria set forth in G.S. 50B-9 and is funded through the Domestic Violence Center Fund providing shelter to victims of domestic violence, nonconsensual sexual conduct, or stalking."

2. Note that a person violates this subsection regardless of whether the person protected under the order is present on the property.