

223.21 [BUYING] [SELLING] [POSSESSING] ITEM OF PERSONAL PROPERTY ON WHICH THE PERMANENT IDENTIFICATION MARK HAS BEEN [ALTERED] [DESTROYED] [DEFACED] [REMOVED]. MISDEMEANOR.

The defendant has been charged with [buying] [selling] [possessing] an item of personal property on which the permanent identification mark has been [altered] [destroyed] [defaced] [removed].¹

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

First, that the defendant [bought] [sold] [possessed²] (*describe personal property*) which was not the defendant's own.

Second, that the personal property once had a [permanent serial number] [manufacturer's identification plate] [permanent distinguishing number or identification mark] on it.

Third, that this [permanent serial number] [manufacturer's identification plate] [permanent distinguishing number or identification mark] had been [altered] [destroyed] [defaced] [removed] in order to [conceal] [misrepresent] the identity of the personal property.

And Fourth, that the defendant knew or had reasonable grounds to believe that this [permanent serial number] [manufacturer's identification plate] [permanent distinguishing number or identification mark] had been so [altered] [destroyed] [defaced] [removed].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [bought] [sold] [possessed] (*describe item of personal property*) which was not the defendant's own and had been marked with a [permanent serial number] [manufacturer's identification plate] [permanent distinguishing number or identification mark], which had

been [altered] [destroyed] [defaced] [removed] for the purpose of [concealing] [misrepresenting] its identity, and that the defendant knew or had reasonable grounds to believe that this had been done to [conceal] [misrepresent] the identity of the personal property, it would be your duty to return a verdict of guilty. However, 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. Effective December 1, 2021 applying to offenses committed on or after that date. S.L. 2021-36 amended N.C.G.S. § 14-160.1(c) to increase the punishment for buying, selling, or possessing an item of personal property worth more than \$1,000 on which the permanent identification mark has been altered, destroyed, or removed. See N.C.P.I.—Crim. 223.21A.

2. If a definition of constructive possession is required, see N.C.P.I.—Crim. 104.41.