

N.C.P.I.-Crim. 223.31
WILLFULLY DAMAGING GOVERNMENT [COMPUTERS] [COMPUTER
PROGRAMS] [COMPUTER SYSTEMS] [COMPUTER NETWORKS]. FELONY;
MISDEMEANOR.
GENERAL CRIMINAL VOLUME
JUNE 2009
N.C. Gen. Stat. § 14-455(b)

223.31 WILLFULLY DAMAGING GOVERNMENT [COMPUTERS] [COMPUTER
PROGRAMS] [COMPUTER SYSTEMS] [COMPUTER NETWORKS]. FELONY;
MISDEMEANOR.

The defendant has been charged with willfully damaging government [computers] [computer programs] [computer systems] [computer networks].

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

First, that the defendant willfully [altered] [damaged] [destroyed] a government [computer] [computer program] [computer system] [computer network] (or any part thereof).¹ A "government computer" means any computer, computer program, computer system, computer network, or any part thereof, that is owned, operated, or used by any State or local governmental entity.

And Second, that the defendant acted without authorization.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully and without authorization [altered] [damaged] [destroyed] a government [computer] [computer program] [computer system] [computer network] (or any part thereof), it would be your duty to return a verdict of guilty of felonious damage to government computers. If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty but would determine whether the defendant is guilty of damage to computers, which differs from the felony in that the State need not prove that the computer damaged was owned by the government.

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If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully and without authorization [altered] [damaged] [destroyed] a [computer] [computer program] [computer system] [computer network] (or any part thereof), 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. This section applies to alteration, damage, or destruction effectuated by introducing, directly or indirectly, a computer program (including a self-replicating or a self-propagating computer program) into a computer, computer program, computer system, or computer network.